

# GENERAL STATUTES

OF

# MINNESOTA

1913

PUBLISHED UNDER THE AUTHORITY OF THE  
LEGISLATURE BY VIRTUE OF AN ACT  
APPROVED APRIL 20, 1911  
(LAWS 1911, CH. 299)

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WEST PUBLISHING CO.  
1913

## CHAPTER 14

## EDUCATION

## DISTRICT SCHOOLS

**2670. Public schools—Tuition free**—All schools supported in whole or in part by state school funds shall be styled public schools, and admission to and tuition therein shall be free to all persons between the ages of five and twenty-one years, in the district in which such pupil resides: Provided, that the school board of any district may, by resolution, exclude all children under six years of age. (1279)

Finding as to residence sustained (91-268, 97+885).

**2671. School districts**—For school purposes the state is divided into common, special, and independent school districts, each of which shall be a public corporation. Common school districts shall be numbered consecutively in each county, and each shall be known as school district No. .... of .....county. A district, when situate in two or more counties, shall be known as joint school district No. .... of ..... and ..... counties. Independent school districts shall be known by the names or numbers given them at their organization. (1280)

Corporations only for specified objects (11-31, 12; 17-412, 391; 49-106, 51+814).

As to special districts (112-167, 127+56; 115-222, 132+317).

**2672. Formation of districts**—A majority of the freeholders qualified to vote for school officers residing upon any territory not less than four sections in extent, and in which reside not less than twelve children of school age, whether or not such territory be in whole or in part included in any existing common, independent, or special school district, may petition the county board of the proper county to make such territory a school district, common or independent. (1281)

42-357, 44+120; 89-351, 94+886; 139+949).

**2673. Petition**—The petitions shall contain:

1. A correct description of the territory to be included in such proposed district.
2. The number of persons residing therein.
3. The names and ages of all children of school age residing therein, and the existing district in which each such child lives.
4. The districts in which such territory lies, and the number of such children in each such district.
5. The reasons for the formation of the proposed district.

Such petitions shall be acknowledged by the petitioners and submitted to the county superintendent, and if he shall approve of the same he shall endorse such approval in writing upon said petition, stating his reasons therefor; and if he shall disapprove of same he shall indorse thereon in writing his reasons for such disapproval. (R. L. § 1282, amended '07 c. 110 § 1)

Cited (119-119, 137+303).

**2674. Notice of hearing**—Upon the presentation of such petition, the county board shall appoint a time and place for hearing thereon, and shall cause two weeks' published notice thereof to be given in the county, and ten days' posted notice in each district affected. Such notice shall also be served on the clerk of each district, by mail, at least ten days before the time set for hearing, and the auditor's certificate shall be proof of the mailing. (1283)

G. S. 1894 § 3668, cited (101-163, 112+253).

**2675. Proceedings on hearing**—At the hearing the board shall receive any evidence and consider any arguments for and against such proposed organization, and shall make an order either granting or denying the petition; and, if the petition be granted, the order shall particularly describe the district, state its name or number, shall be signed by the chairman, and attested and filed with the auditor, who shall mail to the clerk of each district affected a copy thereof, and shall cause ten days' posted notice to be given of a meeting to organize such

district. The board may adjourn the hearing from time to time, and, upon the recommendation or with the written approval of the county superintendent, enlarge or change the boundaries proposed in the petition. (1284)

89-351, 94+886; 107-442, 120+898.

**2676. Appeal from order**—Any person aggrieved may appeal from such order to the district court of the county upon the following grounds:

1. That the county board had no jurisdiction to act.
2. That it has exceeded its jurisdiction.
3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty days from the making of the order a notice of appeal, specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of one hundred dollars, to be approved by the county auditor, conditioned for the payment of all costs taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board. (1285)

84-417, 419, 87+1019; 101-163, 112+253; 110-300, 125+504.

**2677. Change of boundaries of district—Enlarging boundaries in certain cases—Proceedings—Apportionment of debts**—By like proceedings, and upon petition of the majority of the freeholders of each district affected, qualified to vote at school meetings, the boundaries of any existing district may be changed, or two or more districts consolidated, or one or more districts annexed to an existing district. No change in the boundaries of a district by organization of a new district or otherwise shall be made, so as to leave the old district without at least one school house used for school purposes, nor shall any change of districts in any way affect the liabilities of the territory so changed upon any bond or other obligation; but any such real estate shall be taxed for such outstanding liability and interest, as if no change had been made. In case of the consolidation or annexation of districts, whether under the foregoing or any other provisions of the law, action shall be brought by or against the new or remaining district upon any cause existing in favor of or against any discontinued district, but a judgment in such action against such existing district shall be satisfied only from taxes upon the real property included in the discontinued district, when the liability was incurred.

Provided, that when any incorporated borough, village or city of seven thousand or less inhabitants, has within its limits a school district, however organized, or is wholly or partly included within the boundaries of any school district, however organized, or whenever any such school district shall include within its boundaries part or the whole of any incorporated borough, village or city of seven thousand inhabitants or less, the boundaries of any such district or districts may be enlarged or changed so as to include all lands within the corporate limits of such borough, city or village or so as to include lands within and outside of such incorporated borough, city or village, but contiguous to said district in the following manner, to-wit:

Whenever a majority of the legal voters residing within such school district shall petition the board of county commissioners of the county wherein such district is situated for an enlargement of such district, and shall file a petition with the auditor of said county, it shall be the duty of the board of county commissioners at its next regular meeting, or special meeting, to set a time and place for hearing upon such petition, and it shall cause a copy of the notice of such hearing to be posted in some public place in each district to be affected by such proposed change, and a copy thereof to be served upon the clerk of each of said districts, at least ten (10) days before the time appointed for such hearing. The posting of such copy of notice shall be proven by the affidavit of the person posting the same; said affidavit shall state the time and place of posting and serving of the copy of notice as herein specified, and upon filing proof of the posting and serving of such notice in the office of the county auditor, the board of county commissioners shall at the time and place fixed proceed with the consideration of such matter and shall hear all evidence offered by any person interested, tending to show what territory should be included within such district, and having heard the evidence they shall, if they find it conducive to the good of the inhab-

itants of the territory affected, proceed to enlarge the said school district as asked for in the petition, and to fix the boundaries thereof and of all the remaining school districts thereby affected, attaching to or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require; provided, that no action or order changing any boundaries of any school district shall be valid unless and until the foregoing requirements as to posting and serving of notices have been observed; and provided further, that whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county boards of all such counties affected.

At the time of making such division, enlargement or change of boundaries, the county commissioners shall apportion to the district so enlarged that portion of the debts of said other districts as may seem to them right and proper, and said apportionment when so made shall be binding upon all the districts affected, and the county commissioners may also apportion to said districts so enlarged, such portion of the property of such other districts as shall seem to them just and proper. Said last mentioned apportionment shall be subject to review by the district court;

And provided further, that any person or officer of any school district aggrieved by any order of the county board made pursuant to the provisions of this section, may appeal to the district court from such order, such appeal to be governed by the provisions of section 1285, Revised Laws 1905 [2676]. (R. L. § 1286, amended '07 c. 88; '09 c. 13; '11 c. 264; '13 c. 435 § 1)

40-13, 41-539, 3 L. R. A. 46, 12 Am. St. Rep. 687.

1909 c. 13, amending 1907 c. 188, so as to permit appeals from orders pursuant thereto, operated retroactively (110-300, 125-504).

"Legal voters," held not to include women (139-949).

**2678. Enlargement of boundaries of certain districts**—That whenever two or more incorporated villages are included within one school district which includes less than twelve sections of land, the boundaries of such district may be enlarged to include not less than twelve sections of contiguous territory. ('05 c. 46 § 1)

**2679. Same—Petition—Duty of county board—Notice**—Whenever two-thirds of the legal voters residing within any such school district shall petition the board of county commissioners of the county wherein such district is situated, for an enlargement of such district, and shall file said petition with the auditor of said county, it shall be the duty of the board of county commissioners, at its next regular or special meeting, to set a time and place for a hearing upon it, and shall cause a copy of a notice of such hearing to be posted in some public place in each district to be affected by such proposed change, and a copy thereof to be served upon the clerk of each of such districts at least ten days before the time appointed for such hearing. The posting of such copy of notice shall be verified by the affidavit of the person posting the same, which said affidavit shall state the time and place of posting, and the serving of said copy of notice upon the clerk of each district shall be verified by the certificate of the county auditor. ('05 c. 46 § 2)

**2680. Same—Hearing—Duty of board**—Upon filing proof of the posting and service of such notice, the board of county commissioners shall, at the time and place fixed, proceed with the consideration of such matter, and shall hear all evidence offered by any person interested, tending to show what territory should be included within said district, and, having heard the evidence shall proceed to enlarge the said school district as provided for in section one [2678] of this act, and to fix the boundaries thereof, and of all remaining school districts thereby affected, attaching or detaching contiguous territory to or from any of such districts, in such manner as in their judgment the best interests of the persons and districts thereby affected may require. ('05 c. 46 § 3)

**2681. Certain school district boundaries and bonds legalized**—Where steps have heretofore been taken or attempted to be taken under the General Laws to change the boundary or boundaries of any school district heretofore organized,

and the proper county board has adopted a resolution making such change, or attempting to make the same, and such school district shall have exercised the powers and franchises of a school district over the territory so added thereto for at least six months continuously before the passage of this act, such change or boundary shall be deemed legal; and where such school district shall have under the provisions of chapter 10 of the Revised Laws of 1905, or under said chapter as amended by chapter 272 of the General Laws of 1905, voted to issue the bonds of the district for the purpose of purchasing a school site or sites, or for building, furnishing or equipping a school house or school houses for said district, or any portion thereof, and said proposition to issue bonds shall have received a majority vote in favor thereof of all votes cast upon said proposition at an election held therein for that purpose, the same are hereby declared to be when issued as provided in said chapter 10, or in said chapter as so amended, the legal and binding obligations of said school district. Provided, that this act shall not apply to any suit or action now pending in which the validity of any such proceedings is called in question. ('09 c. 209 § 1)

The provisions of R. L. 1905 c. 10 are included in chapter 10 hereof.  
For 1905 c. 272, see § 1968.

**2682. Districts in two or more counties**—Whenever the territory affected by any of the foregoing proceedings lies in two or more counties, like proceedings shall be had in each county affected, and no order in such proceedings shall be valid unless concurred in by the county boards of all such counties. (1287) G. S. 1894 § 3670 cited (101-163, 112+253).

**2683. District in more than one county**—That the first proviso of section one, chapter three hundred seventy-one, of the Laws of nineteen hundred and one, be amended so as to read as follows: Provided, that when the territory of the district or districts to be affected by such formation, alteration, consolidation or setting off of any freeholder from one district and attaching him to another consists of parts of two or more counties, the petition shall be in duplicate or more, as the case may be, and one presented to the commissioners of each of such counties, who shall severally proceed to hear the petition in the manner directed; that to effect the formation, alteration, consolidation or setting off of any freeholder from one district and attaching him to another, in such petition desired, shall require the concurrent action of the commissioners of each of such counties. The determination of the commissioners in each county shall be entered upon their records in the several counties by the several county auditors, who shall file the copies thereof with the clerks of the districts affected thereby in their respective counties in the manner directed, and also with the county auditors in each of the counties petitioned. Provided, further, that whenever the territory of such district in either of said counties has an assessed valuation of not less than fifty thousand dollars, and has resident therein not less than fifteen children of school age, the county commissioners of either county may organize that part of such district lying in their county into a separate school district, or consolidate the same with an adjoining district in the same county. Provided, that this act shall only apply to counties having a population of 225,000 or more and counties adjoining thereto. ('05 c. 183 § 1)

**Historical**—This section and the section next following are sections 1 and 2 of an act entitled "An act to amend chapter 371 of the Laws of 1901 relating to public schools."

1901 c. 371 was "An act to amend" [G. S. 1894 § 3674 as amended by 1897 c. 251]. Section 1 of 1901 c. 371 amended the first proviso, and section 2 the third proviso, of G. S. 1894 § 3674 as amended by 1897 c. 251. G. S. 1894 § 3674 was 1877 c. 74 subc. 1 § 16 as amended by 1879 c. 43 § 1; 1881 c. 41 § 2; 1885 c. 121; and 1891 c. 73 § 1—all of which were repealed by §§ 9440, 9442, 9443, 9446, 9449. The part of G. S. 1894 § 3674 which precedes the first proviso relates to the hearing and order upon a petition respecting changes in the boundaries of a school district presented pursuant to § 3673. The provisions of § 3673 and of the first part of § 3674, including the first proviso, do not appear to have been incorporated in the Revised Laws. Other parts of § 3674, as amended by 1901 c. 371 § 2, have been incorporated in R. L. §§ 1300, 1301 [2703, 2704]. So far as 1905 c. 183 differs from the Revised Laws, it is to be construed, by virtue of § 9398, as amendatory or supplementary.

**2684. Same—Apportionment of property**—That in case any division of a school district is made under this act, the county commissioners of the counties

in which said district is situated shall divide and apportion property of such district in proportion to the assessed valuation thereof. ('05 c. 183 § 2)

**2685. Nominal districts**—Any district in which for two years no school has been held may be dissolved by the county board, and its territory attached to one or more existing districts, upon notice as in other cases of change of boundaries, in the most equitable manner possible, and with regard to the convenience of the inhabitants; and any funds belonging to such dissolved district after the payment of its debts shall be distributed among such districts by the auditor in proportion to the assessed value of the real property so attached to each. (1288)

**2686. Consolidation of districts—Duties of county superintendent and superintendent of public instruction—Approval of plan—What schools may receive state aid**—Two or more school districts of any kind may be consolidated, either by the formation of a new district or by annexation of one or more districts to an existing district in which is maintained a state graded, semi-graded or high school, as hereinafter provided.

A district so formed by consolidation or annexation shall be known as a consolidated school district. Before any steps are taken to organize a consolidated school district, the superintendent of the county in which the major portion of territory is situated, from which it is proposed to form a consolidated school district, shall cause a plat to be made showing the size and boundaries of the new district, the location of schoolhouses in the several districts, the location of other adjoining school districts and of schoolhouses therein, together with such other information as may be of essential value, and submit the same to the superintendent of public instruction, who shall approve, modify or reject the plan so proposed, and certify his conclusions to the county superintendent of schools. To receive state aid as a consolidated school of class A or class B, as defined in this act, the consolidated district must contain not less than eighteen sections and to receive state aid as a consolidated school of class C, not less than twelve sections; but any existing school district of at least such area shall have the rights and privileges of a consolidated school district. A consolidated school district of less than twelve sections may be formed as herein provided, but shall not be entitled to receive special state aid as herein provided for.

Provided, however, that a school district, which is otherwise qualified for aid under this act as a class A school, and which has its school house located within one mile of the state line or an impassable natural barrier, and which has not less than twelve sections, shall be entitled to receive such portion of the aid herein provided for class A schools as the ratio of the area of the district to the minimum area herein provided for class A schools. ('11 c. 207 § 1, amended '13 c. 279 § 1)

**2687. Same—Petition—Notice**—After approval by the superintendent of public instruction of the plan for the formation of a consolidated school district, and upon presentation to the county superintendent of a petition signed and acknowledged by at least twenty-five (25) per cent of the resident freeholders of each district affected, qualified to vote at school meetings, asking for the formation of a consolidated school district in accordance with the plans approved by the superintendent of public instruction, the county superintendent shall within ten days cause ten days' posted notice to be given in each district affected, and one week's published notice, if there be a newspaper published in such district, of an election or special meeting to be held within the proposed district, at a time and place specified in such notice, to vote upon the question of consolidation. ('11 c. 207 § 2)

**2688. Same—Meeting of electors—Consolidation, how submitted—Duty of county superintendent if approved—Appeal—Indebtedness**—At such meeting the electors, not less than twenty-five (25) being present, shall elect from their number a chairman and clerk, who shall be the officers of the meeting. The chairman shall appoint two tellers, and the meeting and election shall be conducted as are annual meetings in common and independent districts. The vote at such election or meeting shall be by ballot, which shall read "For Consolidation" or "Against Consolidation." The officers at such meeting or election shall, within ten days thereafter, certify the result

of the vote to the superintendent of the county in which such district mainly lies. If a majority of the votes cast be for consolidation, the county superintendent within ten days thereafter shall make proper orders to give effect to such vote, and shall thereafter transmit a copy thereof to the auditor of each county in which any part of any district affected lies, and to the clerk of each district affected, and also to the superintendent of public instruction. If the order be for the formation of a new district, it shall specify the number of such district. The county superintendent shall also cause ten days' posted notice, and one week's published notice, if there be a newspaper published in such district, to be given of a meeting to elect officers of the newly formed consolidated school district; provided, that a consolidated district shall upon its formation become an independent district, with the powers, privileges and duties now conferred by law upon independent districts. After the formation of any consolidated school district, appeal may be taken as now provided by law in connection with the formation of other school districts. Nothing in this act shall be construed to transfer the liability of existing bonded indebtedness from the district or territory against which it was originally incurred. ('11 c. 207 § 3)

**2689. Same—Consolidation of one or more districts with existing district in certain cases—**In like manner, one or more school districts may be consolidated with an existing district in which is maintained a state high, graded or semi-graded school, in which case the school board of the district maintaining a state high, graded or semi-graded school shall continue to be the board governing the consolidated school district, until the next annual school meeting, when successors to the members whose terms then expire shall be elected by the legally qualified voters of the consolidated school district; provided, however, that in the case of consolidation with a school district in which there is maintained a state high, graded or semi-graded school, consolidation shall be effected by vote of the rural school districts only, in the manner provided under this act, and by the approval of such consolidation of the rural district or districts with the one in which there is maintained a state high, graded or semi-graded school, by the school board thereof. ('11 c. 207 § 4, amended '13 c. 428 § 1)

**2690. Same—Duties of officers of consolidating districts—**The officers of the several districts forming a consolidated school district shall within ten days from receipt of copy of the order of the county superintendent certifying the formation of the new district, or immediately after the election and qualification of members of the school board in the consolidated school district, turn over to the proper officers of the newly elected school board, or to the proper officers of the school board in the district maintaining the state high or graded school, all records, funds, credits and effects of their several districts. ('11 c. 207 § 5)

**2691. Same—Powers and duties of board of consolidated district—Duty of superintendent of public instruction—**For the purpose of promoting a better condition in rural schools, and to encourage industrial training, including the elements of agricultural, manual training and home economics, the board in a consolidated school district is authorized to establish schools of two or more departments, provide for the transportation of pupils, or expend a reasonable amount for room and board of pupils whose attendance at school can more economically and conveniently be provided for by such means; locate and acquire sites of not less than two acres, and erect necessary and suitable buildings thereon, when money therefor has been voted by the district. They shall submit to the superintendent of public instruction a plat of the school grounds, indicating the site of the proposed buildings, plans and specifications for the school building and its equipment, and the equipment of the premises.

It shall be the duty of the superintendent of public instruction, with respect to schools in consolidated districts, to approve plans of sites, of buildings and their equipment and the equipment of the premises; to prepare suggestive courses of study, including an industrial course; to prescribe the qualifications of the principal and other teachers, and through such super-

visors as he may appoint, and in connection with the county superintendent, exercise general supervision over said consolidated schools. ('11 c. 207 § 6)

**2692. Same—State aid—Classification of districts—**(1) For the purpose of receiving state aid, schools in consolidated districts shall be classified as A, B, and C. They shall be in session at least eight months in the year, and be well organized. They shall have suitable schoolhouses, with the necessary rooms and equipment. Those belonging to class A shall have at least four departments; those of class B three departments; and those of class C two departments. The board in a consolidated school district maintaining a school of either class shall arrange for the attendance of all pupils living more than two miles from the school, through suitable provision for transportation, or for the board and room of such as may be more economically and conveniently provided for by such means.

(2) The principal of a school coming under class A shall hold at least a diploma from the advanced course of a state normal school, and be qualified to teach the elements of agriculture, as determined by such tests as are required by the superintendent of public instruction. A school of this class shall have suitable rooms and equipment for industrial and other work, a library, and necessary apparatus and equipment for efficient work, and a course of study embracing such branches as may be prescribed by the superintendent of public instruction.

(3) The principal of a school coming under class B or C shall hold at least a state first grade certificate, and in other respects these schools shall comply with the requirements of schools under class A, so far as this may be practicable, in accordance with requirements fixed by the superintendent of public instruction. Teachers other than the principal, including special teachers, shall possess such qualifications as are required of teachers in state graded schools.

(4) Besides maintaining schools in consolidated districts conforming to the requirements of those coming under classes A, B and C, the school board may maintain other schools of not more than two rooms, and receive state aid for these as provided for semi-graded and rural schools. ('11 c. 207 § 7)

**2693. Same—State aid, in what amounts—**Schools under class A in consolidated districts shall receive annually state aid of fifteen hundred (\$1,500) dollars; those under class B one thousand (\$1,000) dollars; those under class C seven hundred and fifty (\$750) dollars; and in addition to such annual aid a school of any of the above classes shall receive an amount to aid in the construction of a building, equal to twenty-five per cent. (25%) of the cost of said building, but no district shall receive more than a total of fifteen hundred (\$1,500) dollars for aid in the construction of buildings. The annual aid and the aid for building shall be paid in the same manner as now provided by law for the payment of other state aid to public schools. Whenever any school in a consolidated district attains the rank of state high or graded school, it shall possess the rights and privileges of such school. ('11 c. 207 § 8)

**2694. Same—Laws repealed—**Sections 1289, 1290, 1291, 1292, 1293, Revised Laws of 1905, and chapter 326, Session Laws of 1905, and chapter 304, Session Laws of 1907, and other acts and parts of acts inconsistent herewith are hereby repealed. ('11 c. 207 § 9)

**2695. Proceedings after organization of new district—Title after change or consolidation, etc.—**In case of the formation of a new district, like proceedings shall be had within ten days after the organization of such district, and in all cases of change of boundaries or consolidation of districts the title to schoolhouses and sites shall vest in the district in which such property is included after such change or consolidation; and in case of consolidation the officers of the old districts shall continue to exercise their duties until the officers of the new district qualify. (1294)

The context has been lost by the repeal of R. L. §§ 1289-1293. See preceding section.

**2696. Division of funds on change of district—**That whenever the boundaries of any school district are changed, or when a school district is formed from territory comprising two or more districts, or when any school district

is divided, the county board shall make a division of all monies, funds and credits belonging to such districts and shall make an award of such monies, funds and credits to the district or districts affected by such change, and in making such award the commissioners shall take into consideration the indebtedness, if any, of the district so divided, and shall make such division as they deem just and equitable. ('07 c. 109 § 1)

Section 3 repeals inconsistent acts, etc.

**2697. Same—Duty of auditor—**When a school district has been formed from territory comprising two or more districts, or where a school district has been divided and the county board has, by resolution, made a division of the monies, funds and credits belonging to such districts the auditor of the county shall be required to make a division of all the monies, funds and credits evidenced by the records in his office pursuant to and as required by said resolution. ('07 c. 109 § 2)

**2698. Change of common or special to independent districts—**Any common or special district may be changed to an independent district as hereinafter provided. (R. L. § 1295, amended '13 c. 356 § 1)

**2699. Notice of meeting—**To effect such change, ten days' posted notice of a meeting shall be given, signed by six or more resident freeholders, stating the object of the meeting, and notifying the voters of said district to assemble upon a specified day, at a place in said district named in said notice, then and there to vote by ballot upon the question of organization as an independent district. (1296)

**2700. Vote upon change—**At the time and place mentioned in said notice, the electors assembled shall appoint a chairman, assistant chairman, and clerk, who shall be the judges of such election. The voting shall be by ballot, and those favoring such change shall write upon their ballots, "Independent district—Yes," and those against, "Independent district—No." (1297)

**2701. Meeting to elect officers—**If a majority of votes cast be in favor of the change, the clerk shall forthwith give notice thereof to the county auditor, and, within twenty days thereafter, shall call a meeting to elect officers, upon ten days' posted notice, and the same proceedings shall thereafter be had as in the organization of other independent districts; and the officers of the common or special district shall act as officers of the new district until the qualification of officers and organization of the new board. (1298)

**2702. Dissolving independent districts—**Any independent district may change its organization to that of a common school district by a vote, by ballot, of two-thirds of the electors voting upon the question at any annual or special meeting; notice having been given that such question would be submitted at such meeting. In case of such affirmative vote, the meeting shall elect the proper officers in the same manner as in the organization of a common school district, and the chairman, treasurer, and clerk of the independent district shall be the chairman, treasurer, and clerk, respectively, and shall constitute the board of the common district until their successors shall qualify, and the common district shall in all things be the successor of the independent district. (1299)

**2703. Rehearing before county board—**When the boundaries of any district have been changed by order of the county board, if there shall be filed with the auditor a petition to such board for rehearing, signed by not less than five freeholders, legal voters in said district, the auditor shall present the same to the board at its next meeting. The board shall thereupon set a time and place for rehearing, and shall cause notice thereof to be served on the clerks of the districts affected by such change, and posted as in case of the original petition. The hearing may be adjourned from time to time, and the board shall make such order in the premises as it shall deem just. (1300)

**2704. Setting off land to an adjoining district—**When any freeholder shall present to the board of any county a petition, verified by him, stating that he owns land in such county adjoining any district therein, or separated therefrom by not more than one quarter section, and that such intervening land is vacant and unoccupied, or that its owner is unknown, and that he desires his said land, together with such intervening land, set off to such

adjoining district, and his reasons for asking such change, the board, upon notice and hearing as in other cases, and upon proof of the allegations of the petition, may make its order granting the same, and like notice of such change shall be given as in other cases. (1301)

Order of county commissioners rearranging school districts creates no vested right (110-300, 125+504).

**2705. Districts to be composed of adjoining territory**—All districts shall be composed of adjoining territory, and any part of a district not so situated, and not containing a schoolhouse used as such, shall be by the county board, upon notice as in other cases, attached to a proper district. (1302)

**2706. Plats and description of districts**—The county auditor shall keep in his office books containing a correct plat and description of each district organized, whether wholly or partly in his county. (1303)

**2707. Presumption of legal organization**—Every school district which for one year shall have exercised the powers and franchises of a district shall be deemed legally organized. (1304)

54-213, 55+1122; 65-406, 68+66.

**2708. Conveyances by certain special districts validated**—That in any case in which a special school district was created by special law prior to January 1st, 1867, the boundaries of which special school district were by the act creating the same coterminous with the boundaries of the city in which said special school district is located, and which special school district took possession of the real and personal property of the school district or districts existing in said territory prior to the passage of the act creating the same and which has from the date of the organization of such special school district continuously claimed to own such real property as its own and has occupied and used the said real property for school purposes, then and in every such case such real property shall be construed and held to be the property of such special school district and the title thereto shall be in the same notwithstanding the fact that no conveyance was ever made of said real property from the trustees of such former school district or districts to such special district and notwithstanding the fact that in the conveyance of such realty to such former school district the said district was not correctly described by its corporate name. ('13 c. 222 § 1)

**2709. Same—To what districts applicable**—Nothing in this act shall affect any special school district organized after January 1st, 1867, nor any school district in any city of more than ten thousand inhabitants. ('13 c. 222 § 2)

**2710. School meetings**—The annual meeting of all common and independent districts shall be held on the third Saturday in July, at 7 o'clock p. m., unless a different hour has been fixed at the preceding annual meeting, upon ten days' posted notice given by the clerk, and specifying the matters to come before such meeting; but the failure of the clerk to give such notice, or to specify the business to be transacted thereat, shall not affect the validity of any business, except the raising of money to build or purchase a schoolhouse, the authorizing of an issue of bonds, the fixing of a schoolhouse site, the organization as an independent district, or the change from an independent to a common district. The boards of education or trustees in special school districts may fix the time of the annual meeting, when so authorized by vote of the district: Provided, that the polls at all school meetings shall be held open at least one hour. (1305)

Cited (110-473, 126+279).

**2711. Special school meetings**—Upon the written request of five freeholders and voters of a district, specifying the business to be acted upon, or upon the adoption of a proper resolution, so specifying, by the school board, or upon a request, so specifying, signed by a majority of the members of the school board, the clerk shall call a special meeting of such district upon ten days' posted notice and one week's published notice, if there be a newspaper printed in such district, and shall specify in such notice the business named in such request or resolution and the time and place of meeting. If there be no clerk in the district, or if he fails for three days after receiving such request

or resolution to give notice of such meeting, it may be called by like notice signed by five freeholders and voters of the district. No business except that named in the notice shall be transacted at such meeting.

In case it shall be made to appear by affidavit that there are not five voters who are freeholders in any school district, or that there is not a legal school board therein, the county superintendent of schools of the county in which such district is located, shall, if in his opinion there is need for such school meeting, call such meeting by giving notice thereof as hereinbefore provided. (R. L. § 1306, amended '13 c. 142 § 1)

45-88, 47+462.

**2712. Change of site in certain cases validated**—That wherever a common school district in this state since April 18, 1911, at a special meeting thereof duly called for that purpose, by notice properly given, has voted by a majority vote of the electors of said district present at said meeting and voting upon the proposition, to change the site of its school building to another designated site, and has issued bonds to provide the funds to erect a school house thereon, such change of site is hereby validated and made legal and binding for all purposes, whether the number of persons voting in favor of said change constituted a majority of the voters of said district or not. ('13 c. 369 § 1)

**2713. Notice of meetings in common school districts**—The annual school meeting of any common school district may in its discretion authorize and direct the district clerk to mail a notice of annual and special school meetings to the electors of the district, at least five days before the date of the meeting; provided that the failure or neglect of the clerk to mail such notice shall not affect or invalidate the said meeting or the business transacted thereat. ('11 c. 357 § 1)

**2714. Records to be evidence**—The records of all school districts and boards, and all transcripts thereof, or of any part thereof, certified by the clerk or other officer having custody thereof, shall be prima facie evidence of the facts therein stated, and all records, books, and papers of such district or board shall be subject to the inspection of any voter of the district. (1307) 12-17, 1; 17-412, 391.

**2715. Powers of annual meeting**—The annual meeting, not less than five legal voters being present shall have power:

1. To elect a chairman and clerk pro tem, if the chairman and clerk of the board be absent; but in common and independent districts the chairman and clerk of the school board shall officiate in their respective capacities at all meetings of the electors of the district.

2. To adjourn from time to time.

3. To elect by ballot officers of the district. In all elections or vote by ballot, the clerk shall record the names of all voters participating therein, and the chairman shall appoint as tellers two disinterested electors, who, with the assistance of the clerk shall supervise the balloting and canvass the votes.

4. To designate a site for a school house, and provide for building or otherwise placing a school house thereon, when proper notice has been given, but a site on which a school house stands or is begun shall not be changed, except by vote therefor, designating a new site, by a majority of the legal voters of the district, who have resided therein not less than one year prior to the vote.

5. To repeal and modify their proceedings from time to time, in accordance with the powers therein conferred. (R. L. § 1308, amended '11 c. 249 § 1)

Subd. 3 (61-259, 63+638; 77-167, 79+668; 110-473, 126+279). Subd. 4 (71-311, 73+956). Subd. 5 (12-17, 1).

**2716. Additional powers of meetings in common school districts**—In addition to the foregoing powers, any common school district at its annual meeting, or at a special meeting when proper notice has been given, may vote a sufficient fund for maintenance of its schools and for all other proper purposes, appoint a librarian, and make rules for the use and management of the library, and direct the school board to make designated improvements to school property, and to provide free text-books for the schools. (1309)

2717. **Election of officers in certain districts**—In any common school district containing over three hundred voters, in counties having a population of more than fifty thousand and less than one hundred thousand, the school board shall divide the district for the purpose of electing officers, voting on the issue of bonds, or other matter specifically submitted for vote by ballot, into precincts for each three hundred voters, or major fraction thereof. The voters present at the opening of the polls shall choose a moderator and two clerks, who shall forthwith certify the result of the vote to the clerk of the district. Such vote shall be canvassed and the result announced at the annual meeting, except in case of a special election, when the same shall be canvassed by the district officers as soon as practicable after the receipt of the returns. Such regular elections shall be held on the Saturday preceding the annual meeting, and at the same hour and upon the same notice, and no matter except the election of officers shall be voted upon at such meeting, unless specified in the notice. (1310)

2718. **Districts of ten or more townships—Trustees, how elected**—In all common school districts in Minnesota embracing or containing ten or more townships, the trustees and members of the school board shall be elected as follows: In all such districts existing at the date of the passage of this act, the trustees and members of the school board shall continue to hold their respective offices, as follows: The chairman until August 1 following the next biennial general state election; the treasurer until one year from such date, and the clerk until two years from such date. If said terms of office or either of them so existing at the date of the passage of this act shall expire prior to said dates, that is, shall expire prior to August 1 following the next biennial general state election, and one year from said date, and two years from said date, as above stated, then and in that event the expiration of such terms shall constitute a vacancy, and such vacancy shall be filled as provided by sections 1316 and 1317 of said Revised Laws of 1905 [2742, 2743], as amended hereby. At the first meeting of each newly created or organized district hereafter created or organized, containing ten or more townships, the chairman shall be elected to hold office until August 1 following the next biennial general state election, the treasurer until one year from said date, and the clerk until two years from said date. At the first biennial general state election held after the passage of this act in common school districts embracing or containing ten or more townships and at the first biennial general state election held after the organization of each new district embracing or containing ten or more townships, and in each biennial general state election thereafter, there shall be elected two members of said board, such members being elected to fill the offices expiring respectively August 1 after such election and one year from August 1 after such election, the term of office of one to commence August 1 in the year following his election, and that of the other August 1 in the second year following his election. The office to which each is so elected and the time of the commencement of the term of each, with the length of term, shall be stated on the ballot. For the purpose of carrying into effect this act, and so as to enable the electors in each of such districts embracing or containing ten or more townships to elect officers at such biennial general state election, the general election laws of this state, including the primary election law, shall, so far as possible, be applicable hereto, and the candidates for said offices shall file for nomination and be chosen and nominated and their names placed upon the ballot, under and pursuant to the provisions of said general election law and the primary election law in this state, and such general election law and primary election law shall be made applicable hereto and carried out by the officers and persons having the performance and enforcement thereof, except that a separate ballot box shall be used and voters need not register. The votes shall be returned and canvassed and the persons elected notified in the same manner as in the election of county officers. (R. L. § 1311, amended '09 c. 187 § 1)

1909 c. 187 § 5 repeals inconsistent acts, etc.

This section is not void because its meaning cannot be ascertained, or because incomplete (110-473, 126+279).

**2719. Same—Compensation of school boards—**In all common school districts composed of ten or more townships each member of the school board in such districts shall receive as annual compensation for his services as a member of such board the amounts herein stated, to-wit:

Two hundred dollars (\$200) a year where such district contains thirty public schools; four hundred dollars (\$400) a year where such district contains thirty-one public schools but less than sixty-one; six hundred dollars (\$600) a year where such district contains sixty-one public schools but less than ninety-one; eight hundred dollars (\$800) a year where such district contains ninety-one public schools or more; provided, that in such common districts containing less than thirty public schools and in which is maintained a high school, the annual compensation of the members of the school board shall be fixed at the annual school meeting. ('11 c. 148 § 1, amended '13 c. 445 § 1)

**2720. Same—Certain expenses to be paid—**In addition to their salaries the members of the school board in such school districts shall be paid their actual and necessary traveling expenses incurred and paid by each of them in the conduct of his official duties, including the visitation of schools. Such expenses shall be paid upon duly itemized and verified vouchers approved by the board and filed with the clerk and made a part of the official records of the school board, provided, that the traveling expenses incurred by the members of the school board in any such district in any year shall be limited to the following amounts, as hereinafter provided; one hundred and fifty dollars (\$150) where the number of schools in such district does not exceed thirty; three hundred dollars (\$300) where the number of schools does not exceed sixty; four hundred and fifty dollars (\$450) where the number of schools does not exceed ninety; and five hundred dollars (\$500) where the number of schools is in excess of ninety. Such salaries and expenses shall be paid monthly by the treasurer of such school district on the order of the clerk, countersigned by the chairman. ('11 c. 148 § 2)

**2721. Same—Tax levy to be made—**A levy shall be made in such common school districts to pay the salaries and expenses of the members of the school board in the same manner as is now provided by law for making levy for the support of public schools in common school districts composed of ten or more townships. ('11 c. 148 § 3)

**2722. Same—Publication of proceedings—**In all school districts embracing or containing ten or more townships, the school board shall publish in a legal newspaper in the district, or if there be no such newspaper published in the school district, in a legal newspaper published in the county, to be designated by said board annually, the proceedings of such board within thirty days after such proceedings are had. ('11 c. 361 § 1, amended '13 c. 353 § 1)

**2723. Same—"Proceedings" defined—**The term "proceedings" as used in this act, shall include a statement of all propositions submitted by motion or resolution or otherwise, to such board, including the number of votes for or against all reports made to such board, and its action thereon, and an abstract of all claims allowed, giving name of claimant and amount and general purpose of the claim. ('11 c. 361 § 2)

**2724. Same—Duty of public examiner, etc.—**The state public examiner shall, at least once in each year, make examination of the books and records of all districts affected by this act, and the school district shall pay the costs and expenses of making such examination. ('11 c. 361 § 3)

**2725. Same—School board—**When common school district boards shall exercise same right as independent school district boards—The school board in a common district containing ten, or more, townships shall have and exercise all powers, and be subject to the same laws and regulations as school boards in independent districts. ('13 c. 465 § 1)

**2726. Election of certain trustees, etc., validated—**That whenever, and in all cases where, a common school district in the state of Minnesota, or the electors thereof, at the general biennial state election for the years 1904, 1906 and 1908, have elected or attempted to elect trustees or members of the school

board of such school district, under and pursuant to section 3678 of the General Statutes of 1894, as amended by chapter 15 of the General Laws of 1899, as amended by chapter 38 of the General Laws of Minnesota for the year 1903 and amendments thereof, and under and pursuant to section 1311 of the Revised Laws of 1905 [2718], or any amendment thereto, and such trustees or members of the school board of said district have actually been voted for by the electors of said district at said elections, or either of them, and the votes cast have been canvassed and the result thereof declared, and certificates of election issued to the person or persons having the largest number of votes so cast at said election, and such persons having thereafter qualified and entered upon the duties of said office, all such election of trustees and members of said school board of said district or districts is hereby in all respects fully legalized, validated, ratified and confirmed, and the election of all trustees or members of the school board in such common school districts, such election being held under and pursuant to said laws or acts, or either of them, is hereby fully and in all respects legalized, validated, ratified and confirmed for the full term for which said officers were so elected or attempted to be elected under and pursuant to said law or laws, act or acts. ('09 c. 238 § 1)

Section 4 repeals inconsistent acts, etc.

**2727. Same—Official acts validated**—All official acts done, transactions performed, proceedings had, contracts entered into, obligations incurred, payments made, disbursements made, and all other things done or performed by such trustees or any of them, or by any school board of such school district so elected or attempted to be elected under, and holding office under and pursuant to said law or laws, act or acts and amendments thereto, such trustees or school board assuming to act for and in behalf of said district, are hereby in all things and in all respects fully legalized, validated, ratified and confirmed. ('09 c. 238 § 2)

**2728. Same—Validation to cover past acts**—This legalization, validation, ratification and confirmation of all said acts, proceedings, contracts, obligations, payments, disbursements and all other things, shall relate back to the date and time of the doing and performing of the same, and shall legalize, validate, ratify and confirm said acts as of the date of their performance, making them in all respects valid and legal, notwithstanding any defect that may be or that may be claimed to be or exist in the said law or laws, act or acts, under and pursuant to which said officers were so elected or attempted to be elected. ('09 c. 238 § 3)

**2729. Payment of salaries to certain trustees validated**—That whenever, and in all cases where, the trustees or members of the school board or school boards of common school districts, or of any common school district in Minnesota, embracing or containing ten or more townships, have been paid or have received a salary or compensation for services performed as such trustee or member of such school board, and the treasurer of such district has paid or caused to be paid such salary or compensation, the payment of such salary or compensation is in all respects hereby fully legalized, validated, ratified and confirmed, and the acts of all such officers voting such salaries or compensation or allowing the same or auditing bills for the same, and the acts of all treasurers of such school districts paying the same, and the accepting and receiving of the same by all such officers and the voting or allowing of the same by the electors or legal voters of any such school district at any annual or other meeting thereof, are hereby fully and in all respects legalized, validated, ratified and confirmed. ('09 c. 239 § 1)

Section 2 repeals inconsistent acts, etc.

**2730. Election of certain trustees, etc., validated**—That whenever, and in all cases where, the trustees or school board of any common school district in the state of Minnesota, embracing or containing ten or more townships, such trustees and school board having been elected, or attempted to be elected, under and pursuant to section 3678 of the General Statutes of 1894, as amended by chapter 15 of the General Laws of 1899, as amended by chapter 38 of the General Laws of Minnesota for the year 1903, and amendments thereto, or under and pursuant to section 1311 of the Revised Laws of 1905

[2718], and such trustees and members of the school board have received certificates of election and have qualified and entered upon the performance of their duties as such officers of such district, and as such officers have performed acts, entered into contracts, made payments, disbursed funds, conducted proceedings in good faith as such school board, and as officers of such school district, all such acts done, proceedings had, contracts made or entered into, obligations incurred, transactions done or performed, payments made and disbursements made, and all other acts and things done or performed by such trustees of such school board, are hereby fully and in all respects legalized, validated, ratified and confirmed, notwithstanding the said law or laws, act or acts under and pursuant to which such election was held, and said officers assumed to take and hold their said offices, be defective or be claimed to be defective or invalid. ('09 c. 240 § 1)

Section 2 repeals inconsistent acts, etc.

**2731. School board of common and independent districts**—The care, management, and control of common and independent districts shall be vested in a board of trustees, to be known as the school board, whose term of office shall be three years and until their successors qualify. (1312)

Cited (115-222, 132-317).

**2732. School board of common districts**—The school board of each common school district shall consist of a chairman, a treasurer and a clerk. At the first meeting of each school district embracing or containing less than ten townships, the chairman shall be elected to hold office until August 1 following the next annual meeting; the treasurer until one year from such date, and the clerk until two years from such date. At the first meeting in each common school district embracing or containing ten or more townships, the chairman shall be elected to hold office until August 1 following the next biennial general state election, and the treasurer until one year from such date, and the clerk until two years from such date. Said trustees so elected in districts embracing or containing ten or more townships shall be paid such salary or compensation as the electors or legal voters of such district at the annual meeting thereof shall fix or determine, and the electors or legal voters of such district at the annual meeting thereof shall have power and are hereby authorized, by a majority vote, to fix and determine and authorize the payment of salaries or compensation to said trustees. The vote upon the payment of such salaries or compensation shall be by ballot. (R. L. § 1313, amended '09 c. 187 § 2)

Cited (110-473, 126+279).

**2733. School board of independent districts**—The school board of each independent school district shall consist of six directors. At the first meeting of the district, six directors shall be elected, two to hold until August 1 following the next annual meeting, and two to hold until the expiration of one year, and two until the expiration of two years, from said August 1; the time which each director shall hold being designated on the ballot. (1314)

Cited (115-222, 132+317).

**2734. Organization of school boards in independent districts**—Within ten days after the election of the first school board in independent districts, and annually thereafter on the first Saturday in August, or as soon thereafter as practicable, the board shall meet and organize by choosing a chairman, a clerk, and treasurer, who shall hold their offices for one year, and until their successors are elected and qualified. They may also elect a superintendent, who shall hold office during the pleasure of the board. He shall be ex officio a member of the board, but not entitled to vote therein. (1315)

**2735. Election of superintendent in special districts**—That the superintendent of schools of every special district in this state in which it is provided that said superintendent shall be elected by the board of education of said special district may be elected at any time, notwithstanding any provision in the charter or special act under which such special district was created which requires the election of such superintendent to be had at the first meeting after the annual election of members of said board of education. ('05 c. 251 § 1)

**2736. Same—To what districts applicable—**This act shall apply to all school districts created under a special law of the state of Minnesota. ('05 c. 251 § 2)

**2737. Election of school inspectors in certain special districts—**That in all cities containing a population of less than ten thousand inhabitants, in which the boundaries of a special school district created by special law of this state are co-terminus with the boundaries of the city and in which, by reason of the adoption of a home rule charter, no provision has been made for the election of school inspectors at the city election, such school inspectors shall be elected at the biennial city elections of such city in the following manner: Such school inspectors shall be elected and shall serve for the term of four years except that in a subdivision of territory in which only one school inspector is elected, the term of such school inspector shall be for two years. At the city election in such cities to be held in the year 1910, the school inspectors who were elected in 1907 shall be elected to hold for a term of four years. The term of those school inspectors elected in 1907 is hereby extended for the term of three years. The term of those school inspectors elected at the city elections held in 1908 is hereby extended for the term of four years, except that the school inspector elected from a district or ward which is entitled to only one inspector, shall be elected in 1910. ('09 c. 212 § 1)

**2738. Same—How nominated—**Said school inspectors may be nominated at the time nominations for city officers are made and the names of such nominees shall be placed on the official ballot at such city election and shall be voted for and the votes counted, canvassed and returned in the same manner as votes for city officers are counted, canvassed and returned. ('09 c. 212 § 2)

**2739. Election of members of board of education in certain cities—**That in all cities containing a population of less than ten thousand (10,000) and more than four thousand (4,000) inhabitants, in which the boundaries of a special school district, or an independent district partly affected by special laws are co-extensive with the boundaries of the city, and in which, by reason of the adoption of a home rule charter, or by the terms of any special act relating to the district, no provision has been made for the election of members of the board of education at the city election, such members of the board of education shall be elected at the biennial elections of such city in the following manner:

Such members of the board of education shall be elected by the qualified voters of the district (city) as other city officers are elected at the said biennial election, and shall serve for the period of four years. The terms of those last elected shall be extended until two years after the next charter election. The terms of those elected at the election prior to the last election shall expire at the next charter election. ('11 c. 38 § 1)

**2740. Same—How nominated—**Said members of the board of education may be nominated at the time nominations for city officers are made and the names of such nominees shall be placed on the official ballot at such city elections and shall be voted for and the votes counted, canvassed, and returned in the same manner as votes for city officers are counted, canvassed and returned. Provided that nothing in this act shall be construed to affect the provisions of chapter 212, Laws of 1909 [2737, 2738]. ('11 c. 38 § 2)

**2741. Clerk in special districts—**The board of education in any special school district in the state of Minnesota, at its annual meeting for organization, may, at its option, appoint as its clerk or secretary a person not a member of such board, and may make provision for his compensation in accordance with existing law. ('09 c. 277 § 1)

Section 2 repeals inconsistent acts, etc.

**2742. Vacancies—**A vacancy in any school board or board of education elected by the people, shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election at the next annual meet-

ing, in school districts containing less than ten townships, and at the next general biennial state election in school districts embracing or containing ten or more townships. Such appointment shall be evidenced by a resolution entered in the minutes. All appointments and elections to fill vacancies shall be for the unexpired term. (R. L. § 1316, amended '09 c. 187 § 3)

**2743. Special election to fill vacancy**—If the board shall fail for ten days to fill any vacancy, a special meeting may be called for that purpose by ten days' posted notice signed by three qualified voters, freeholders or householders of the district, setting forth the object of the meeting. Officers elected at such meeting shall hold for the unexpired term, but no such meeting shall be held within thirty days before the annual election or annual meeting in districts containing less than ten townships nor within thirty days before the general biennial state election in districts embracing or containing ten or more townships. (R. L. § 1317, amended '09 c. 187 § 4)

**2744. Acceptance of office**—All persons elected or appointed district officers shall, within ten days after notice of such election or appointment, file with the clerk or secretary of the district his acceptance of the office and his official oath, or be deemed to have refused to serve, but such filing may be made at any time before action to fill the vacancy has been taken. (1318) 83-194, 86+20.

**2745. Quorum**—A majority of the school board shall constitute a quorum, but no contract shall be made or authorized except at a meeting of the board of which all members have had legal notice. (1319) 85-163, 27+922; 37-96, 33+217.

**2746. Powers and duties of school board**—The school board shall have the general charge of the business of the district, and of the schoolhouses and the interests of the schools thereof, and shall:

1. When authorized by the voters at a regular meeting, or a special meeting called for that purpose, may acquire necessary sites for schoolhouses by lease, purchase or condemnation under the right of eminent domain; erect, lease or purchase necessary schoolhouses or additions thereto; and sell or exchange such schoolhouses or sites, and execute deeds of conveyance thereof. In any city or village such site, when practicable, shall contain at least one block, and, if outside of any city or village, two acres; and, when any schoolhouse site shall contain less than such amount, the board shall, if practicable, acquire other land adjacent to or near such site to make, with such site, such amount.

2. Purchase, sell, and exchange school apparatus, furniture, stoves, and other appendages for schoolhouses.

3. Provide proper outhouses for the schools, plant shade trees and shrubbery, and otherwise improve school sites, procure insurance on school property, and make proper ordinary repairs thereon.

4. When necessary, lease rooms for school purposes.

5. Employ and contract with necessary, qualified teachers, and discharge the same for cause.

6. Provide for the heating and care of schoolhouses and rooms.

7. Provide for the payment of all just claims against the district in cases provided by law.

8. When directed by a vote of the district, or when the board deems it advisable, adopt, contract for, and purchase text-books needful for the schools of the district, and provide for the free use of such books by the pupils of such schools, or their sale to them at cost; but no such adoption or contract shall be for less than three or more than five years, during which time such books adopted shall not be changed.

9. Defray the necessary expenses of the board, including three dollars per day for attending one meeting of the school boards of the county in each year, when called by the county superintendent, and five cents per mile in going to and returning from such meeting, and pay for such record books, stationery, and other incidental matters as may be proper.

10. Superintend and manage the schools of the district, adopt, modify, or repeal rules for their organization, government, and instruction, and for the

keeping of registers, prescribe text-books and courses of study, and visit each school at least once in three months.

11. In all proper cases, prosecute and defend actions by or against the district. (1320)

Subd. 1 (54-385, 55+1112, 40 Am. St. Rep. 340; 83-111, 85+932; 93-409, 101+952; 115-222, 132+317). Subd. 4 (7-203, 145). Subd. 5 (93-411, 101+619). Subd. 8. Inapplicable to St. Paul. (115-222, 132+317). Subd. 11 (91-41, 97+416). Presumption that board acts within its authority (83-111, 85+932; 91-41, 97+416; 93-409, 101+952).

**2747. Further powers and duties of school board**—The school board may also:

1. Provide for the admission to the schools of the district, of non-resident pupils, and those above school age, and fix the rates of tuition for such pupils. Provided, in case a person has real property in, and pays taxes thereon, in a common or an independent school district other than the one in which he resides, then such person shall be admitted to all the benefits of such other school, the same as the residents therein, and if the owner of less than 80 acres therein, he shall be admitted to all the benefits of said school the same as residents therein, upon conforming to such reasonable terms for tuition as the board of education of such school district may have established for non-residents, except that he shall be entitled to have the amount of school taxes which he pays to the support of said district applied in payment of said tuition fees. Provided, further, that nothing in this act shall be so construed as to authorize any person who may receive any of the benefits or privileges of this act, to vote at any school district meeting of the school district within which he may receive such benefits or privileges, but of which he is not a member.

2. Establish and organize, alter and discontinue, such grades of schools as they may deem expedient.

3. Upon a petition of a majority of legal voters, authorize the use of any school house in the district for divine worship, Sunday schools, public meetings, elections and such other similar purposes as, in their judgment will not interfere with its use for school purposes; but before permitting such use, the board may require the bond of some responsible party, in the penal sum of one hundred dollars, conditioned for the proper use of such school house, the payment of all rent, and the repair of all damage occasioned by such use, and they shall charge and collect for the use of the district from the persons using such school house, such reasonable compensation as they may fix.

4. Provide for the free transportation to and from school, at the expense of the district, of pupils residing more than one-half mile from the school house, for the whole or such part of the school year as they may deem expedient, and subject to such rules and regulations as they may adopt; and they shall require from every person employed for that purpose, a reasonable bond for the faithful discharge of his duties, as prescribed by the board.

5. Makes rules and regulations respecting the protection of the property of the district, and prescribe penalties for a breach thereof, to be recovered for the use of the district as penalties in other cases, before a justice of the peace, and change or repeal such rules. (R. L. § 1321, amended '07 c. 445 § 1)

**Historical**—R. L. §§ 1321, 1327, and 1330 [2747, 2760, 2767] were amended by sections 1, 2, and 3, respectively of 1907 c. 445. Section 4 of said act provided that it should take effect, etc., after its passage.

By 1909 c. 472 § 1, 1907 c. 445 § 4 was amended to read as follows: "Section 4. Subject to such rules and regulations as they shall adopt, provide for the free transportation to and from school, at the expense of the districts, of all pupils residing more than one-half mile from the school house, for the whole or such part of the school year as they may deem expedient; and in school districts situated in more than one county, shall provide such transportation during the months of October, November, December, January, February, March and April, for all pupils residing two miles or more from the school house, and who are not less than six years of age nor more than sixteen years of age; and shall require from every person employed for that purpose a reasonable bond for the faithful discharge of his duties, as prescribed by the board."

**2748. To acquire sites for agricultural schools**—That the board of education or other governing body of any school district in the state of Minnesota,

in which instruction in agriculture is afforded, be and hereby is authorized and empowered to purchase or otherwise acquire by condemnation proceedings as provided for acquiring school house sites in the name and in behalf of such school district, a suitable tract of land either within or without the limits of such school district, to be used for the purpose of instruction, experimentation and demonstration in agriculture. ('13 c. 258 § 1)

**2749. Same—To what districts applicable—**The provisions of this act shall apply as well to districts organized under special acts as under the general laws, notwithstanding any provisions or restrictions in the laws under which the same are organized. ('13 c. 258 § 2)

**2750. Instruction in adjoining district—Discontinuance of schools—State aid—**The school board of any district, when it deems it advisable, may provide for the instruction of its pupils in an adjoining district, and in such case may discontinue the schools of its own district, or of any grades or departments in said schools, and provide for the free transportation of the pupils of its own district to the school in an adjoining or nearby district. The teachers shall keep the registers separately for the pupils from such district discontinuing its schools, and shall return the registers and make separate records to the clerk of such district and to the county superintendent, of the number and names of pupils, with their attendance, and such district shall retain its organization and shall be entitled to public money, including the special state aid granted to common schools of Class A, under such rules as may be fixed by the superintendent of public instruction, except that public money for non-resident pupils enrolled in the high school department shall go to the district in which the high school is located. Such aid shall be paid from the appropriation made for common schools. ('11 c. 167)

Section 2 repeals R. L. § 1322.

**2751. Children may attend school in adjoining district in certain cases—**The child or children of any person in this state not resident within the limits of any incorporated city or village of this state, and residing more than two miles by the nearest traveled road from the school house in the district where such child or children reside, are hereby authorized to attend school at a school or school house in an adjoining district nearer to such residence than the said school house in the said district where such child or children reside, upon such reasonable terms as shall be fixed by the school board of such adjoining district, upon application of the parents or guardian of such child or children. In case such parent or guardian is not satisfied or cannot comply with the terms and conditions fixed and determined by the school board of such adjoining district, and shall apply to the state superintendent of public instruction for that purpose, the state superintendent of public instruction shall give such notice of such application to the clerk of the school board of such adjoining district as shall be determined by such superintendent of public instruction, and shall, after such notice, decide such application and fix such terms and conditions for the attendance of such child or children in such adjoining district as shall be just and reasonable, and thereupon such child or children may attend such school in such adjoining district upon compliance with the terms fixed by such superintendent of public instruction, the same in other respects as if resident in the district where such school house is situated. Provided, that nothing herein contained shall be construed as repealing, amending or modifying the provisions of section 1321, Revised Laws of 1905, as amended by chapter 445 of the General Laws of Minnesota, 1907 [2747]. ('11 c. 342 § 1)

**2752. Additional powers of boards in independent districts—**The school board of any independent district may also:

1. Establish and maintain public evening schools as a branch of the public schools, and such evening schools, when so maintained, shall afford a continuous session of not less than two hours on each school day, shall be available to all persons over ten years of age who from any cause are unable to attend the public day schools, and attendance at such evening schools shall entitle such district maintaining the same to its pro rata apportionment of state school funds for all pupils not over twenty-one years of age, the same

as if such pupils attended the day schools of such district. Except as herein provided, such evening schools shall be under the same regulations as day schools of like grade.

2. Establish and maintain one or more kindergartens for the instruction of children above four and under six years of age.

3. Receive, for the benefit of the district, bequests, donations, or gifts for any proper purpose, and apply the same to the purpose designated.

4. Remove for proper cause any member or officer of the board, and fill the vacancy; but such removal must be by a concurrent vote of at least four members, at a meeting of whose time, place, and object he has been duly notified, with the reasons of such proposed removal, and after an opportunity to be heard in his own defence. (1323)

**2753. Powers of boards in cities having over 50,000 inhabitants and constituting special or independent districts**—Boards of education in incorporated cities having over fifty thousand inhabitants and constituting special or independent school districts, may employ superintendents and teachers, and may make rules and regulations for the government of schools and for the employment and examination of teachers and prescribing their powers and duties; and prescribing the description, grading and classification of scholars and their management and the course of instruction and books to be used and other matters pertaining to the government and welfare of schools, including the contract for and purchase of text books, pencils, tablets and such other school supplies, needful for the schools of the district, and providing for the free use of such text books, pencils, tablets, and other school supplies, by the pupils of such schools, or the sale to them at cost; but no such adoption or contract for text books shall be for less than three nor more than five years, during which time such text books adopted or contracted for shall not be changed. ('05 c. 268 § 1, amended '09 c. 351 § 1)

**2754. Same—Not applicable to cities under home rule charters**—This act shall not be construed as modifying or attempting to modify any charter adopted under and pursuant to section 36, article 4, of the constitution of the state of Minnesota, as amended, and chapter 351 of the General Laws of 1899 and amendments thereto. ('05 c. 268 § 2)

**2755. Same**—This act shall not apply to any city whose charter is framed under and pursuant to section 36, article 4, of the constitution. ('09 c. 351 § 2)

**2756. Special duties of boards in common school districts**—The school board of every common school district shall submit to the annual school meeting an estimate of the expenses of the district for the coming year for a five-months school, and for such further time as it may be decided by the meeting to hold school, and for such other specified purposes as the board may deem proper, and, if such meeting shall fail to vote a sufficient tax to maintain a school for such time, the board shall levy such tax; but no such school board shall expend any money or incur any liability for any purpose beyond the sum appropriated by vote of the district for such purpose, or levied by the board pursuant to this section, or on hand and applicable thereto. When the district has decided by vote at any legal meeting to open more than one school, the board shall provide for opening such school or schools, and assign to each a proper number of pupils. (1324)

31-227, 17+373; 87-234, 236, 91+842.

**2757. Special duties of boards in independent districts**—In addition to the duties hereinbefore imposed, the school board of each independent school district shall:

1. Make, and, when deemed advisable, change or repeal, rules relating to the organization and management of such board and the duties of its officers.

2. Provide by levy of tax necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the district. (1325)

71-283, 291, 73+970; 87-234, 91+842.

**2758. Peace officers in common and consolidated districts**—Members of school boards in common or consolidated school districts shall be peace of-

ficers, and may suppress disorder and make arrests for any disorderly conduct, or breach of peace, in any school house or on any school grounds, in their respective districts, and may command the assistance of all persons. ('13 c. 476 § 1)

**2759. Duties of clerk**—The clerk shall keep in books provided for that purpose a record of all meetings of the district and the board. He shall, within three days after the meeting, notify all persons elected upon any school board or as officers of any district of their election, and, on or before August 10 in each year, make and transmit to the county superintendent a certified report, showing:

1. The condition and value of school property.
2. The receipts and disbursements in detail, and such other financial matters as may be called for by the state superintendent.
3. The annual arrangement of terms of school, and the grading, if any, thereof.
4. The names and postoffice addresses of all trustees and other officers.
5. Such other items of information as may be called for by the state superintendent.

He shall enter in his record book copies of all his reports and of the teachers' term reports, as they appear in the registers; and of the proceedings of any meeting as furnished him by the clerk pro tem., and shall keep an itemized account of all the expenses of the district; and in common districts he shall report to the county superintendent the time of commencement of each term at least two weeks in advance. He shall furnish to the county auditor or auditors of the proper county or counties, on or before October 10 of each year, an attested copy of his record, showing the amount of money voted by the district or the board for school purposes; shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers or for teachers' wages, to be countersigned by the chairman. Such orders shall state the consideration, payee, and fund, and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages from the current school fund shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose. (1326)

To certify tax levy to auditor (75-456, 471, 78+115). To draw orders on treasurer (31-333, 17+866).

**2760. Duties of treasurer**—The treasurer shall receive and be responsible for all moneys of the district, and shall disburse the same on orders signed by the clerk and countersigned by the chairman, or other vouchers authorized by law. Each order shall state the fund on which it is drawn, the name of the payee, and the nature of the claim for which such order is issued. He shall keep an account of each fund, and of all receipts and disbursements, showing the source of such receipts and the nature and purpose of such disbursements, and within three days preceding the annual meeting shall file with the clerk a detailed financial statement of the district, showing all receipts and disbursements, and the nature of the same, the moneys on hand and the purposes to which the same are applicable, the credits of the district, and its outstanding liabilities, and the nature thereof. Such report, together with his vouchers, shall be examined by the board, and, if found correct, approved by resolution, entered in the records. If incomplete or inaccurate, a further or amended report may be required by the board. Such report, when complete, shall be laid before the annual meeting, to be in like manner approved. He shall make such further reports as may from time to time be called for by the board, and shall perform all duties usually incumbent on such officer. Every order drawn for the payment of teachers' wages, and for any other lawful purpose, after having been presented to the treasurer for payment, and not paid for want of funds, shall be endorsed by the treasurer by putting on the back thereof the words, "Not paid for want of funds," giving the date of indorsement and signed by the treasurer. A record of such presentment, non-payment and indorsement, shall be made by the treasurer. Every such order shall bear interest at the rate of 6 per cent per an-

num from the date of presentment, until the treasurer serves a written notice upon the payee or his assignee, personally, or by mail, that he is prepared to pay such order; such notice may be directed to the payee or his assignee at the address given in writing by such payee or assignee to such treasurer, at any time prior to the service of such notice; no order shall draw any interest if such address is not given when the same is unknown to the treasurer. (R. L. § 1327, amended '07 c. 445 § 2)

**2761. Treasurers' bonds**—Every school district treasurer shall give bond to the state in a sum equal to twice the amount of money that will probably come into his hands during any one year of his term, to be approved by the board and filed with the clerk, conditioned for the faithful discharge of his official duties. The chairman and clerk may at any time require such treasurer to give a new bond, and, upon his failure to give bond as required by this section, they may declare the office vacant, and appoint a successor; provided, however, that if the said bond so furnished by the treasurer be that of a surety company, authorized to do business in the state of Minnesota, then the amount of such bond shall be equal to the amount of money that will probably come into his hands during any one year of his term. (R. L. § 1328, amended '07 c. 95)

44-427, 46+914, 20 Am. St. Rep. 586; 72-37, 74+1024; 86-188, 192, 90+371, 57 L. R. A. 634, 91 Am. St. Rep. 336; 100-139, 110+849, 12 L. R. A. (N. S.) 1105.

**2762. Penalty for failure to pay teachers' wages**—Any treasurer who uses money applicable for teachers' wages for any other purpose shall be personally liable to any teacher who becomes entitled to any part of such funds for such amount, to be recovered in a civil action against such treasurer and the sureties on his official bond. (1329)

**2763. Depository of funds in common and independent school districts**—The officers of the several common and independent school districts in this state may in their discretion, select and designate as a depository or depositories for school district moneys, any national or state bank, or banks, for a period not exceeding three years on the execution by such bank or banks of a sufficient bond to the school district in double the sum deposited, except in cases where the bond furnished is that of a surety company authorized to do business in the state of Minnesota, and in such cases the amount of bond shall be equal to the estimated sum to be deposited, to be approved by the board and filed in the office of the county auditor of the county wherein said school district may be situated, and thereupon may require the treasurer to deposit all or any part of the school district's money in such bank or banks. Such designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made, be signed by the chairman and clerk or president and clerk as the case may be, and filed with the clerk. That thereupon such bank or banks shall become a legal depository or depositories for school district moneys, and thereafter the school district treasurer shall deposit such school district moneys therein as he shall be required from time to time to deposit by such school district officers. ('07 c. 133 § 1, amended '09 c. 332 § 1)

1909 c. 332 § 5 repeals inconsistent acts, etc.

**2764. Same—Exemption of treasurer**—The school district treasurer and the sureties on his bond shall be exempt from liability to the school district by reason of the loss of any funds of such school district deposited in any such bank or banks from the failure, bankruptcy or other acts of such bank or banks to the extent and amount of such funds in such bank or banks at the time of such failure or bankruptcy. ('09 c. 332 § 2)

**2765. Same—Interest on deposits**—All interest on moneys deposited, as hereinbefore provided shall be computed on monthly balances, and become the property of said school district. ('09 c. 332 § 3)

**2766. Same—Compensation**—No additional compensation or fees shall be paid any of the school district officers by reason of any of the provisions of this act. ('09 c. 332 § 4)

**2767. Duties of chairman—Compensation**—The chairman, when present, shall preside at all meetings of the board and of the district, except when a

moderator has been chosen; shall countersign all orders upon the treasurer for claims allowed by the board; shall represent the district in all actions; and shall perform all the duties usually incumbent on such officer.

In case of absence, inability or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the board to be paid, the orders may be drawn by the chairman, and paid by the treasurer, a statement thereof, with a copy of such orders, being delivered to the clerk by the treasurer, or the office of the clerk may be declared vacant by the chairman and treasurer, and filled by appointment.

The chairman may receive as compensation such an amount as may be determined at the regular school meeting of the district, but such compensation shall not exceed six dollars in any one year. (R. L. § 1330, amended '07 c. 445 § 3; '11 c. 240 § 1)

**2768. Duties of superintendent**—The superintendent in independent or special districts shall visit the schools of the district, and exercise a general supervision over them, and report their condition to the board, with proper recommendations, when he deems it advisable, or when requested by the board. He shall superintend the grading of the schools and examinations for promotion, and shall perform such other duties as the board shall prescribe. He shall make, either directly to the state superintendent, or through the county superintendent, such reports as shall be required. (1331)

**2769. Compensation of clerks of common districts**—The clerk of each common district shall be paid at the rate of two per cent of the cash disbursements for the year, upon making his annual report to the superintendent as required by law accurately and in proper time; such compensation shall not exceed six dollars in any one year, unless a greater compensation has been voted at a meeting of the district upon a notice stating that action would be had at such meeting respecting such increase of compensation; provided that in no case shall the compensation of the clerk as herein provided exceed fifty dollars (\$50.00) for any one year. Such payment shall be made by the treasurer upon a certificate of the superintendent that such clerk is entitled thereto. (R. L. § 1332, amended '13 c. 409 § 1)

**2770. Compensation of treasurers of common districts**—The treasurer of such district may receive as compensation such an amount as shall be determined at the regular school meeting of the district, not exceeding, however, twenty-five dollars per annum, which shall be allowed only after his annual report shall have been approved by the board. (R. L. § 1333, amended '13 c. 409 § 1)

**2771. Compensation of officers of independent districts**—The clerk, treasurer, and superintendent of independent districts shall receive such compensation as may be fixed by the board. No officer or member of any school board shall receive pay as such, except as provided in this chapter. (1334)

**2772. Interest on certain school orders**—That each and all school orders for the payment of money issued by any school district of the state of Minnesota, between the first day of March, 1906, and the 25th day of April, 1907, for a legally incurred debt, and which were duly presented to the treasurer of such school district for payment, and payment thereon refused for lack of funds, shall bear interest at the rate of six per centum per annum from and after the date of such presentation and refusal, and such interest is hereby declared to be valid and subsisting indebtedness of each such school district issuing the same. The officers of each such district are hereby authorized to pay such interest, upon the presentation of such orders. Provided, that the terms of this act shall not apply to any pending litigation. ('09 c. 308 § 1)

**2773. Contracts in common and independent districts**—No contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of school houses, the estimated cost or value of which shall exceed five hundred dollars (\$500.00), shall be made by the school board of any common or independent school district without first advertising for bids or proposals in some newspaper of the county by two (2) weeks' published notice in the city or village located nearest to the school

district in which such contracts are proposed to be let, or some newspaper published in the county seat in such county. Such notice shall state the time and place of awarding the contract, and contain a brief description of the work to be performed, materials to be furnished or building to be constructed or repaired. ('13 c. 244 § 1)

**2774. Same—How let, etc.**—Every such contract shall be awarded to the lowest responsible bidder, shall be duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance, and otherwise conditioned as required by sections 4535, 4536, 4537 and 4538, Revised Laws, 1905 [8245–8248], as amended. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this act shall be void; provided, that in case of the destruction of buildings or injury thereto, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids. ('13 c. 244 § 2)

**2775. Opinion of attorney general**—If any difference of opinion arises between school officers, or any doubt as to the proper construction of any part of this chapter, or as to their powers or duties, the state superintendent, at the request of any such officer, shall submit such question to the attorney general, who shall give his written opinion thereon to such superintendent, and such opinion shall be binding until annulled or overruled by a court. (1335)

### SCHOOLS IN UNORGANIZED TERRITORY

**2776. Schools in unorganized territory**—The power of providing for the education of children of school age residing in any unorganized territory within the state of Minnesota, shall be vested in the county board of education for unorganized territory of the county where such unorganized territory is situated. ('07 c. 76 § 1)

**2777. Same—County board of education**—The chairman of the board of county commissioners, the county superintendent of schools, and the county treasurer shall, ex-officio, compose the county board of education for unorganized territory in each county within the state. ('07 c. 76 § 2)

**2778. Same—Officers**—The chairman of the county board of commissioners shall be the chairman of the county board of education; the county treasurer shall be the treasurer of said board; the county superintendent of schools shall be the clerk of said board of education. The county board of education may also employ a competent person to act as clerk to the county superintendent of schools, who shall perform such other services as the board may direct. Such person shall not enter upon his duties as such clerk until his appointment has been ratified by the county board, who shall fix his salary, which shall not exceed sixty dollars (\$60) per month. ('07 c. 76 § 3, amended '09 c. 309 § 1)

**2779. Same—Meetings**—The county board of education for unorganized territory shall meet on the first Monday of each month at the county seat for the purpose of transacting the business of said board, consider petitions, reports from teachers, audit and pay bills, etc. ('07 c. 76 § 4)

**2780. Same—Duty of clerk**—It shall be the duty of the clerk of the county board of education to make to the state superintendent of schools reports similar to those made by the county superintendent in case of organized districts, and to the county auditors reports similar to those made by the clerk of organized districts. ('07 c. 76 § 5)

**2781. Same—Tax levy**—The said board of education shall, annually, on the third Saturday of July, make a levy on all property situated in unorganized territory of the county for the purpose of providing schools, teachers, transportation of pupils, board of pupils, text-books, apparatus, school supplies, etc., for the education of children residing within such territory. This tax levy shall be known as the special unorganized school levy, and it shall be so spread on the tax lists by the county auditor. ('07 c. 76 § 6)

**2782. Same—Duty of board—School facilities**—It shall be the duty of the said board to furnish school facilities to every child of school age residing in any part of said unorganized territory, either by building school houses, leasing school

room, transporting said children to the nearest school, boarding said children within convenient distance from a school at the expense of said board, or otherwise, and to provide necessary supplies, text and library books. ('07 c. 76 § 7)

**2783. Same—Powers of board**—When not otherwise provided in this act, the powers and duties of said board of education of unorganized territory shall be the same as those of school boards and annual meetings of common school districts. ('07 c. 76 § 8)

**2784. Same—Organization of school districts**—When, in the opinion of the said board, it shall appear that any territory enjoying the privileges of unorganized territory should be organized into a common school district, the said board shall notify the county board, which shall cause notice of hearing thereon to be given and otherwise proceed as provided by law for organization of common school districts. ('07 c. 76 § 9)

**2785. Same—Compensation of officers—Certain counties excepted**—For their services performed under the provisions of this act the chairman of said board of education shall be paid three dollars (\$3) per day for the time actually employed by him as such chairman and ten cents (10c) per mile for distance actually travelled by him in performance of his said duties, not exceeding the total sum of four hundred dollars, (\$400.00) in any one year for such mileage and per diem; the treasurer of said board shall be paid one and one-half per cent (1½%), and the clerk one per cent (1%), of the cash disbursements for the year, but only after all reports required by law have been made in conformity thereto; provided that this section shall not apply to counties having a population of more than 100,000. ('09 c. 309 § 10, amended '11 c. 103 § 1)

**2786. Unorganized territory—Creation of new counties—Division of funds**—Whenever a new county or counties have been or may hereafter be created and organized out of territory embraced within the boundaries of one or more organized counties and in which there is unorganized school territory, acting under the provisions of chapter 76 of General Laws of Minnesota for 1907, and acts amendatory thereof and lying partly within the old and new counties, or wholly within the new county, the county boards of education of the old and new counties shall meet upon the written request of the county superintendent of either county at such time and place as shall be designated in said request, which said request shall be served upon each member of each county board of education of the counties affected at least five days before the time of such meeting and make a division of all the moneys, funds and credits belonging to such unorganized school territory as the same existed prior to the division of the county or counties, and in making such division, the said boards shall take into consideration the indebtedness of said unorganized school territory and shall make such division as they deem just and equitable, and all such moneys, funds, credits, and property shall be divided and apportioned to the respective unorganized territory in the old and in the new county in proportion to assessed valuation of taxable property in such unorganized territory respectively in such old and new county, at the last assessment thereof. ('11 c. 279 § 1)

For 1907 c. 76 and amendatory acts, see §§ 2776-2784.

**2787. Same—Board of apportionment**—In cases provided by section 1 and in case the county boards of education of the old and new counties shall fail to meet pursuant to the notice provided in section one of this act, the county superintendents of the old and new county or counties and the state superintendent of public instruction, or his deputy, shall constitute a board of apportionment, and upon the written application of the county board of education of either county affected, shall make a division of all the moneys, funds, credits and property as provided in section one of this act, which apportionment shall be in writing and verified by the state superintendent of public instruction or such deputy, and by at least one of the county superintendents of the counties affected, and filed in the office of the secretary of state and shall be final and conclusive. Within five days after the filing of said apportionment the secretary of state, if apportionment is made as provided in this section or the superintendent of schools of each county if such apportionment is made as provided by section one

of this act, shall transmit to the treasurers of the counties affected by said apportionment, a certified copy of such apportionment and application, if any. ('11 c. 279 § 2)

**2788. Same—Duties of boards and officials—**The county boards of education and the county officials of the old and new counties, shall forthwith after such division and apportionment, proceed to fulfill and carry out the terms thereof, determined or herein provided. ('11 c. 279 § 3)

**2789. Dissolution of common districts in certain counties—**Any common school district in any county having a county board of education may be dissolved, annulled and discontinued by the county board as hereinafter provided. A petition requesting the taking of such action shall be presented to said county board and shall contain a correct description of the territory included in said district, the number of persons residing therein, the total assessed valuation of all property within said district, and request that such district be dissolved, annulled and discontinued. Such petition shall be signed by a majority of the freeholders qualified to vote for school officers in said district and before being presented to the county board it shall be approved by the county superintendent of schools if such petition meets with his approval, and it shall also be approved by the county board of education. ('09 c. 500 § 1, amended '13 c. 82 § 1)

**2790. Same—Notice of hearing—**Upon the presentation of such petition approved as aforesaid, the county board shall designate a time for hearing the same and notice thereof shall be given in the manner provided by law for notice in the case of the formation of the school district. ('09 c. 500 § 2)

**2791. Same—Hearing—Appeals—**At such hearing the board shall act in a manner similar to the action provided by law for the formation of districts, and any person aggrieved may appeal in like manner. ('09 c. 500 § 3)

**2792. Same—Territory to come under jurisdiction of county board of education—**If said petition is granted by the county board, then said school district shall from that time cease to exist and all of the territory thereof and the schools previously conducted by it shall then come under the jurisdiction of the county board of education of said county, and shall thereafter be managed by said county board of education in the same manner as if said district had never been organized. And it shall be the duty of the officers of said vacated school district to forthwith deliver to the county auditor of said county all of the books and records of said school district, and to the county treasurer all of the money and school funds in its possession, and said county treasurer shall forthwith credit all such moneys and school funds to the account of the county board of education of such county. The county treasurer shall thereafter credit to the account of said county board of education all moneys and school funds thereafter collected from any previous tax levy made by said school district, except such moneys and school funds as are derived from taxes levied for the purpose of paying the bonds or interest on the bonds of any such school district. ('09 c. 500 § 4, amended '13 c. 82 § 2)

**2793. Same—Outstanding obligations—Tax levy—**All incurred and outstanding obligations of any district so discontinued and vacated shall be and remain a charge upon the property formerly within said district to the same effect as if said district had not been discontinued, and the county auditor shall each year levy against all of the taxable property within the limits of said former school district a sufficient levy, not to exceed the maximum provided by law, for the cancellation and liquidation of such outstanding indebtedness, such levy to be made year after year until said entire indebtedness is cancelled and extinguished. And the amount levied by the county board of education upon all taxable property in unorganized territory shall be levied upon the property within the limits of said former school district in addition to the amount so levied by said auditor and in the same proportion that it is levied upon the taxable property in said county outside of organized school districts. ('09 c. 500 § 5)

**2794. Same—In what counties applicable—**This act shall not apply to any county or counties not having a county board of education as provided by chapter 76, General Laws 1907 [2776-2784]. ('09 c. 500 § 6)

## CONDUCT OF SCHOOLS

**2795. General control of schools**—The teacher shall have the general control and government of the school. When more than one teacher is employed in any district, one of the teachers may be designated by the board as principal, and shall have the general control and supervision of the schools of the district, subject to the general supervisory control of the board and other officers. (1336)

**2796. Length of school**—The schools shall be maintained not less than five nor more than ten months, but this provision shall not apply to night schools or kindergartens. The school month shall consist of four weeks. Every Saturday shall be a school holiday, and all legal holidays shall be counted as a part of the school week. (1337)

**2797. Instruction in public schools**—The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; and in high and graded schools other languages may be taught, when made part of a regular or optional course of study. Instruction may also be given in such languages in common schools, not to exceed one hour in each day, by unanimous vote of the trustees. (1338)

**2798. Classes of schools**—District schools are divided into four classes, as follows: (1) High schools; (2) graded schools; (3) semi-graded schools; and (4) common schools. (1339)

**2799. High schools**—The following are the requisites of a high school:

1. It shall be in session not less than nine months in the year.
2. It shall admit, free of tuition charge, students of either sex resident in the state, but those only who shall pass a proper examination in arithmetic, spelling, English grammar, reading, writing, geography, and United States history.
3. It shall have regular and orderly courses of study, embracing all the branches prescribed by the state high school board, and requisite for admission to the collegiate department of the state university, and an optional English or business course in addition thereto or in lieu thereof.
4. It shall be subject to such rules and regulations, consistent with the provisions of law, as may be prescribed by the state high school board, and shall be open to visitation at all times by any members of such board, and by any inspector thereof. (1340)

**2800. Graded schools**—Graded schools include all schools below high schools which—

1. Are in session at least nine months in the year;
2. Are well organized, having at least four departments in charge of a principal holding a state professional certificate, or a graduate from the advanced course of a state normal school or of a reputable college or university;
3. Have a suitable schoolhouse and other necessary buildings, a substantial library, and necessary apparatus for efficient work; and
4. Have regular and orderly courses of study, embracing all such branches as may be prescribed by the high school board. (1341)

**2801. Semi-graded schools—Common schools**—A semi-graded school is one not complying with the foregoing provisions, but which—

1. Maintains a school for at least eight months in a year;
2. Is well organized, with at least two departments in the charge of proficient teachers, one at least of whom holds not less than a first-grade certificate;
3. Has a suitable school building, outhouses, or other necessary accommodations, and a library and apparatus necessary for doing efficient work; and
4. Has a regular and orderly course of study, and shall comply with the rules established by the state superintendent.

All other district schools are common schools. (1342)

**2802. Secret fraternities and societies prohibited**—That from and after the passage of this act it shall be unlawful for any pupil, registered as such, and attending any public high school, district, primary or graded school, which is partially or wholly maintained by public funds, to join, become a member of, or to solicit any other pupil of any such school to join, or become a mem-

ber of any secret fraternity or society wholly or partially formed from the membership of pupils attending any such schools or to take part in the organization or formation of any such fraternity or society, except such societies or associations as are sanctioned by the directors of such schools. ('07 c. 149 § 1)

Section 5 repeals inconsistent acts, etc.

**2803. Same—Power of directors—Rules—**The directors of all such schools shall enforce the provisions of section 1 [2802] of this act, and shall have full power and authority to make, adopt and modify all rules and regulations which in their judgment and discretion may be necessary for the proper governing of such schools and enforcing all the provisions of section 1 [2802] of this act. ('07 c. 149 § 2)

**2804. Same—Power to suspend or dismiss, etc.—**The directors of such schools shall have full power and authority, pursuant to the adoption of such rules and regulations made and adopted by them, to suspend, or dismiss any pupil or pupils of such schools therefrom, or to prevent them, or any of them, from graduating or participating in school honors when, after investigation, in the judgment of such directors, or a majority of them, such pupil or pupils are guilty of violating any of the provisions of section 1 [2802] of this act, or who are guilty of violating any rule, rules or regulations adopted by such directors for the purpose of governing such schools or enforcing section 1 [2802] of this act. ('07 c. 149 § 3)

**2805. Same—"Rushing" or soliciting—Penalty—**It is hereby made a misdemeanor for any person, not a pupil of such schools to be upon the school grounds, or to enter any school building for the purpose of "rushing" or soliciting, while there, any pupil or pupils of such schools to join any fraternity, society, or association organized outside of said schools. All municipal courts and justice courts in this state shall have jurisdiction of all offences committed under this section, and all persons found guilty of such offences shall be fined not less than two dollars nor more than ten dollars, to be paid to the city or village treasurer, when such schools are situated inside of the corporate limits of any city or village, and to the county treasurer, when situated outside of the corporate limits of any such city or village, or upon failure to pay such fine, to be imprisoned for not more than ten days. ('07 c. 149 § 4)

**2806. Minnesota day—**There shall be designated annually by proclamation by the superintendent of public instruction of this state, by and with the consent of the governor, a day between October first and May first to be designated and known as "Minnesota Day." ('11 c. 81 § 1)

**2807. Same—How observed—**On that day all the public schools of this state shall give special attention to exercises devoted to matters of interest appertaining to the state of Minnesota and its geography, history, industries and resources. ('11 c. 81 § 2)

#### COUNTY SCHOOLS OF AGRICULTURE AND DOMESTIC ECONOMY

**2808. Appropriation and tax levy—Submission to voters—**The board of county commissioners of any county is hereby authorized to appropriate money for the organization, equipment and maintenance of a county school of agriculture and domestic economy, and to levy and spread on the tax roll a sufficient sum to carry into effect the several provisions of this act, but not exceeding the sum of twenty thousand dollars in any one year. The county commissioners of two or more counties may unite in establishing such a school, and may appropriate money for its organization, equipment and maintenance. Provided, that this act shall not apply to any county in this state unless the authority thereof shall be granted to such board of county commissioners by a vote of the electors of such county, which question shall be submitted to such electors at the general or special election, to be held in such county. When submitted at a special election, such special election shall be called and held in the manner provided by law for calling and holding special county elections. The board of county commissioners may, of

their own motion, submit such question to the electors of their county, and shall so submit the same whenever a petition is filed with such board, signed by legal voters of such county equal in number to fifteen per cent of the votes cast in such county at the last preceding general election held in such county. The votes cast at any such election shall be counted and canvassed in the manner provided by law for counting and canvassing votes cast at general elections in such county. ('05 c. 314 § 1)

Section 11 repeals inconsistent acts, etc.

**2809. County school board, how constituted—Vacancies—Oath—Bond—Organization—Compensation—**A board to be known as the county school board is hereby created, which shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district in which the school is located. The other members of the board shall be elected by the board of county commissioners for the term of three years from the date of their election, but no member of the board of county commissioners shall be eligible. Vacancies existing in the board from whatever cause, except in the case of the county superintendent, shall be filled by appointment made by the board of county commissioners at their next regular or special meeting. Each person appointed or created a member of the county school board shall within ten days after the notice of such appointment take and subscribe an oath, to support the constitution of the United States and the constitution of Minnesota, and honestly, faithfully and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county auditor. He shall also, within the same time, file a bond in such sum as may be fixed by the board of county commissioners, which bond shall be filed in the office of the county auditor. Within fifteen days after the appointment of said school board, the members thereof shall meet and organize by electing one of their number as president. The county superintendent of schools shall be ex-officio secretary of said board. The said school board shall prescribe the duties of the several officers, except as fixed by law. The members of such school board shall receive no compensation except their actual expense while going to and from and while attending the meetings of the county school board. ('05 c. 314 § 2)

**2810. Counties uniting—Board, how organized—**Whenever two or more counties unite in establishing such a school, the provisions of section 2 [2809] of this act shall apply to the organization of the county school board, and to filling vacancies therein, provided that the county superintendent of the county in which the school is located shall be a member of the board and ex-officio its secretary, and two members shall also be elected from each county by the board of county commissioners thereof. But no member of the board of county commissioners shall be eligible. ('05 c. 314 § 3)

**2811. Apportionment of expenses between counties—Tax levy—**Whenever two or more counties unite in establishing and maintaining such a school, the county school board provided for in such cases shall determine the amount of money necessary for the equipment and maintenance of the school for the second year, and annually each year thereafter; they shall apportion the amount to be raised by taxation among the counties in proportion to the assessed valuation of each county, as last fixed by the state board of assessment, and shall report to the county auditor of each county the apportionment so made on or before the regular July meeting in each year. The amount so apportioned to each county shall be levied in the county tax for the ensuing year for the support of the school. ('05 c. 314 § 4)

**2812. Moneys, how expended—Duty of treasurer—**The county treasurer shall be ex-officio treasurer of said board; and all moneys appropriated and expended under the provisions of this act shall be expended by the county school board, and shall be paid by the county treasurer or treasurers on orders issued by said school board and all moneys received as gifts or other

wise by said school board shall be paid to the county treasurer for the fund of the county school board. ('05 c. 314 § 5)

**2813. Instruction**—In all county schools of agriculture and domestic economy organized under the provisions of this act, instruction shall be given in the elements of agriculture, including instruction concerning the soil, the plant life, and the animal life of the farm; a system of farm accounts shall also be taught; instruction shall also be given in manual training and domestic economy, and such other subjects as may be prescribed. ('05 c. 314 § 6)

**2814. Land for experiment, etc.**—Each of such schools shall have connected with it a tract of land suitable for purposes of experiment and demonstration, and not less than ten acres in area; but any donation of land or equipment shall be turned over to said school board for the benefit of such school, and shall thereafter be the property of the county in which such school is located or in case two or more counties having contributed in establishing such schools and maintaining the same then in that case it shall belong to such counties jointly. ('05 c. 314 § 7)

**2815. Admission of pupils**—The schools organized under the provisions of this act shall be free to inhabitants of the county or counties contributing to their support, who shall be qualified to pursue the course of study prescribed, provided they shall have at least the qualifications required for completion of the course of study for common schools. Whenever students of advanced age desire admission to the school during the winter months in sufficient number to warrant the organization of special classes for their instruction, such classes shall be organized and continued for such time as their attendance may make necessary. ('05 c. 314 § 8)

**2816. Duties of state superintendent**—The state superintendent shall give such information and assistance and establish such requirements as may seem necessary for the proper organization and maintenance of such schools. With the advice of the dean of the college of agriculture of the state university, he shall prescribe the courses of study to be pursued, and determine the qualifications required of teachers employed in such schools. He shall have the general supervision of all schools established under this act; shall from time to time inspect the same, make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency. ('05 c. 314 § 9)

**2817. State aid—Approved list—Annual report of secretary**—Whenever any county or counties have either severally or jointly decided to establish, equip and maintain a school as prescribed by this act, and have levied money for that purpose and have appointed a county school board, such school board or boards shall give notice of that fact to the state superintendent, and the first two school boards giving such notice shall have the first chance of obtaining for such school state aid, as herein provided, but on condition that, any school established under the provisions of this act, whose courses of study and qualifications of whose teachers have been approved by the state superintendent and the dean of the college of agriculture may, upon application, be placed upon an approved list of county schools of agriculture and domestic economy. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided that he shall not place upon said list more than two schools. On the first day of July in each year, the secretary of each county school board maintaining a school on the approved list, shall report to the state superintendent, setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required by the county school board or the state superintendent. Upon receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than eight months, during the year closing on or before the thirtieth day of the preceding June, the state superintendent shall make a

certificate to that effect and file it with the state auditor, and such county shall thereupon be entitled to such an amount of state aid as may be prescribed by law or which may be hereafter appropriated. ('05 c. 314 § 10)

**DEPARTMENTS OF AGRICULTURE, MANUAL TRAINING AND DOMESTIC ECONOMY IN HIGH, GRADED AND CONSOLIDATED RURAL SCHOOLS**

**2818. Agricultural and industrial department in high, graded or consolidated rural schools**—Any high school, graded school or consolidated rural school having satisfactory rooms and equipment, and having shown itself fitted by location and otherwise to give training in agriculture, may, upon application to the state high school board of this state be designated to maintain an agricultural and industrial department to consist of courses in agriculture, manual training and home economics. ('09 c. 247 § 1, amended '11 c. 82 § 1)

119-119, 137+303.

**2819. Instructors and equipment**—Each of such schools shall employ trained instructors whose qualifications may be fixed by said high school board, in agriculture, manual training and home economics, including cooking and sewing. Each school shall have connected with it a tract of land suitable for school garden and for purposes of experiment and demonstration, containing not less than five acres, and located within the school district or within two miles of the central buildings of the school district. ('09 c. 247 § 2, amended '11 c. 82 § 2)

**2820. Instruction to residents free—Nonresidents—Nature of instruction**—Instruction in such agricultural and industrial department shall be free to all residents of the district. Said state high, graded or consolidated rural schools or any associated school organized under the provisions of this act may charge non-resident pupils attending and receiving instruction in such department tuition not exceeding two and 50/100 dollars (\$2.50) per month for each such pupil, to be fixed as hereinafter provided; said tuition so fixed shall be a legal charge against the school district in which said non-resident pupil resides and shall be paid by such school district out of the funds of such district upon presentation to the clerk of such district of a statement signed by the clerk, superintendent or principal of the district furnishing such instruction, stating the grade or department in which any such non-resident pupil was enrolled, the number of months enrolled, name of such pupil and amount of tuition, which statement shall be verified by such clerk, superintendent or principal, and thereupon an order shall be drawn by said district in favor of the district furnishing such instruction for the amount of such tuition; provided, that not more than nine months' instruction in any school year, per pupil shall be a charge against any such district on account of such non-resident pupils.

The state high school board may establish rules respecting the enrollment and attendance of non-resident pupils in any school operating under the provisions of this act and may fix a scale of tuition charges in the several grades or departments, for non-resident pupils attending any such school, not exceeding the maximum provided in this section. And in fixing tuition charges said state high school board shall take into consideration the particular circumstances and ability of the home district of non-resident pupils to pay the same, and also the number of agricultural or industrial subjects in which such non-resident pupil receives his tuition.

When necessary to accommodate a reasonable number of boys and girls to attend only in the winter months, special classes shall be formed for them. The instruction in such agricultural and industrial department shall be of a practical character, dealing with soils, crops, fertilizers, drainage, farm machinery, farm buildings, breeds of live stock, live stock judging, animal diseases and remedies, production of milk and cream, testing of same, manufacture of butter and cheese, horticulture, gardening, plants, and such other questions as have a direct relation to the business of farming, including book-keeping and farm accounts. It shall also include systematic courses in man-

ual training and in home economics, as these are usually taught in public schools. ('09 c. 247 § 3, amended '11 c. 82 § 3; '13 c. 309 § 1)

**2821. State aid**—Each school designated to maintain an agricultural and industrial department as in this act provided for, shall receive state aid not exceeding two thousand five hundred dollars (\$2,500) per year, and in addition thereto one hundred fifty dollars (\$150.00) per year for each associated rural school district that may be associated with such state high, graded or consolidated school, under the provisions of this act, and also one hundred fifty dollars (\$150.00) for each rural school in the same district with such high, graded or consolidated school, as the high school board may determine, but in no case shall the total amount received by any such school exceed two-thirds of the sum actually expended upon such agricultural and industrial department as certified to the state high school board. The special aid provided for under this act shall be in lieu of all other aid for agricultural and industrial training granted by the state to the schools operating under the provisions of this act.

Any rural school district which shall, under the provisions of this act, associate with a state high, graded or consolidated rural school for the purposes specified in this act, shall receive as state aid fifty dollars (\$50.00) per year; such state aid to said associated rural schools shall be granted only upon recommendation of the superintendent of the central school with which said rural school is associated in addition to the recommendation of the county superintendent, as required by law.

All schools heretofore designated and now operating under the provisions of said chapter 247, General Laws 1909, as amended by chapter 82, General Laws 1911 [2818-2828] are hereby continued; provided, that they comply with all the requirements of law for earning such aid, as fixed by law and by the rules of the state high school board. Provided, that no more than one school in any county shall be added to the list of schools receiving aid under this act in any two years. ('09 c. 247 § 4, amended '11 c. 82 § 3 (sic); '13 c. 309 § 2)

**2822. Appropriations**—For carrying out the provisions of this act, there is hereby appropriated out of the general revenue funds of the state the following sums: For the year ending June 30, 1912, \$105,000; for the year ending June 30, 1913, the sum of \$105,000; Provided that not more than one school in any county shall be added to the list of schools receiving aid under this act in any two years. ('09 c. 247 § 5, amended '11 c. 82 § 5)

**2823. Certain districts may be associated with high or graded schools, etc.—Charges for tuition—School fund**—For the purpose of providing training and instruction in such agricultural and industrial department for pupils in rural schools, and to extend the supervision and influence of state high or graded schools to rural schools, one or more school districts maintaining rural schools may become associated with a high or graded school in which is maintained an agricultural and industrial department as herein provided, whether or not such high or graded school has been designated by the high school board to receive aid under the provisions of this act. In each case the high or graded school shall be known as the central school.

No tuition shall be charged for pupils from any associated district enrolled in any grade or department of a central school. No tuition for any pupil residing outside the limits of the central school district and the districts associated therewith under the acts enrolled in a central school below the seventh grade shall be charged against the district in which such pupil resides in favor of such central school.

The current school fund shall be apportioned to such central school for the pupils enrolled therein from associated districts and to the district in which any pupil resides for each pupil for whom tuition is charged under this act by any school operating under the same. ('09 c. 247 § 6, amended '11 c. 82 § 6; '13 c. 309 § 3)

**2824. Association, how effected**—To effect such association, proceedings shall be had by petition and election on the part of the rural school districts as provided by law for the consolidation of school districts, and ballots to

vote upon this question, shall read: To associate with district No. — at \_\_\_\_\_ for the maintenance of an agricultural and industrial department. Yes— No—. Those voting in favor of association shall put a cross mark after the word "Yes" and those voting against association shall put a cross mark after the word "No."

Each district casting a majority vote for association shall become associated with the central school upon the approval of such association by the board of the central school, and it, together with the rural schools, shall be known as the associated schools of district No. — of \_\_\_\_\_, ('09 c. 247 § 7, amended '11 c. 82 § 7)

**2825. Board of review—Tax levy—**The members of the various school boards of the associated rural schools shall hold an annual meeting at the central school building on the first Monday in August of each year, to act as a board of review and to receive the report of the treasurer of the central school of the receipts and expenditures under this act, and such other reports relating to the work in such agricultural and industrial department of such associated school, including the number of pupils enrolled and such other matters as may be called for. The members of such school boards acting together shall determine the question of the tax levy to be imposed on such associated rural districts for the purpose of carrying into effect the provisions of this act and for the purpose of maintaining the agricultural and industrial department in the central school as provided for in this act, and of securing for the associated schools the supervision of the superintendent of the central school. Such rural school boards at such meeting shall elect a chairman and clerk thereof and a record of such meeting shall be kept. Provided, that the taxes so levied shall not be less than two mills on the dollar of the assessed valuation in the various rural school districts in the association in addition to other general and special taxes in such rural district, and authority is hereby granted to such school boards of such associated rural districts acting together to levy and assess the necessary taxes to carry into effect the provisions of this act. The amount of such taxes shall be certified by the chairman of such meeting to the county auditor to be by him levied and extended against the taxable property in the respective rural districts forming part of such association, and when collected by said county treasurer, such taxes shall be paid to the treasurer of the central school, who shall furnish the board of review a full and detailed statement of all moneys so received and expended under this act. ('09 c. 247 § 8, amended '11 c. 82 § 8)

**2826. Associated school boards—Duties—**The board of each rural school district so associated with any central school under the provisions of this act shall elect one of its members to act with the board of the central school in carrying out the provisions of this act, and such member shall have equal power with each member of the board of the central school.

The board so constituted, consisting of the board members of the central school and one representative of the board of each such associated rural school, shall be known as the associated school board of district No. — of \_\_\_\_\_

The officers of the central school shall act as the officers of such associated board.

The duties of such associated board shall be:

1. To hold such meetings at the central school at such times as the board shall determine.

2. To act on all matters affecting the relation of the associated rural school to the central school, including the fixing of tuition of non-resident pupils taking work in the agricultural and industrial department.

3. To submit to a vote of the various associated rural districts the question of levying a tax in such associated school district or districts to assist in the erection of an agricultural and industrial building in connection with the central school and in relation to the levy and collection of a tax for such purpose.

Before any such tax shall be levied, it must be voted for and approved by a majority vote in each of the associated districts.

4. To procure, if deemed necessary, a tract of land in one or more of the

associated rural districts for demonstration and experimental work in agriculture. ('09 c. 247 § 9, amended '11 c. 82 § 9)

**2827. Superintendent—Duties—**The superintendent or principal of the central school as to the provisions of this act shall exercise the same authority and supervision over the rural schools as over the central schools. He shall prepare for the associated rural schools a suitable course of study, embodying training and instruction in agriculture and industrial training and such subjects as are related to farm life and can be successfully taught in rural schools. ('09 c. 247 § 10, amended '11 c. 82 § 10)

**2828. Association, how terminated—**The relationship and obligations between any associated rural school district and the central school may be terminated at any annual school meeting by a two-thirds vote of any such associated rural school district, provided, the central school is given at least one year's notice of the intention of such rural school district to vote on such question of withdrawal. ('09 c. 247 § 11, amended '11 c. 82 § 11)

### TEACHERS—EXAMINATIONS AND CERTIFICATES

**2829. Qualified teachers—**A qualified teacher is one holding a certificate or license to teach, as hereinafter provided, in the school or grade for which he is employed. Contracts for teaching can only be made with qualified teachers. Contracts made with persons before obtaining such certificates or licenses shall only be valid from the time of obtaining the proper certificate or license. (1343)

12-448, 337; 27-433, 8+146; 90-111, 95+881.

**2830. Certificate to be filed—**No person shall be accounted a qualified teacher in any common school district within the meaning of the school law, until such person has filed for record with the county superintendent of schools of the county where such person intends to teach, a certificate or diploma or certified copy of either authorizing such person to teach school in such county. ('05 c. 137 § 1)

**2831. Same—Duty of county superintendents—Records—**County superintendents of schools shall record in their office in a book provided by the board of county commissioners for such purpose, all material facts concerning teachers' certificates and diplomas presented for that purpose and shall certify to the holder of such certificate or diploma that such record has been made. ('05 c. 137 § 2)

**2832. Hiring of teachers—**School boards shall hire teachers at meetings called for that purpose. No teacher related by blood or marriage to a trustee shall be employed, except by a unanimous vote of the full board. The employment shall be by written contract, signed by the teacher, and, in common districts, by at least two of the trustees; in special and independent districts, by the chairman and clerk. Such contract shall specify the time of employment, and the wages per month. (1344)

39-499, 41+103; 77-469, 80+354; 93-411, 101+619.

**2833. Keeping of registers—**Every teacher shall keep a register, furnished by the clerk, showing the daily attendance of each pupil, and such other matters as may be required in such register. He shall also keep such record of deportment and scholarship as may be required by the board. The register shall show the names and ages of all pupils, the names and number of days' attendance of all pupils between the ages of five and eight years, between eight and fifteen years, and between fifteen and twenty-one years, and the names of all paying tuition. In common districts the teacher shall return such register properly kept to the clerk within ten days after the close of the first term of the school year. (1345)

**2834. Teachers' reports—**Such teacher shall, within the same time, make his report to the county superintendent upon blanks furnished by the superintendent through the clerk, giving the names in full of all pupils enrolled, with the number of days' attendance of each, checking with a cross (X) the names of all under five, over twenty-one, or paying tuition, and the names so checked shall not be counted for apportionment. Within like time after the close of each succeeding term, he shall make a further report, showing in

like manner all additional enrollments during such term, the number of days that each pupil has attended in such term, and such other matters as may be called for in the blanks. The superintendent shall receipt for such reports. No order shall be issued for the payment of the wages of any teacher while he is in default in making such reports or in returning his register. In joint districts a report shall be made to the superintendent of each county, showing the county in which each pupil resides. The teachers and principals in other districts shall make such reports as may be required by law or the rules of the board, under like penalty. (R. L. § 1346, amended '13 c. 198 § 1)

**2835. Instruction in morals, etc.**—The teachers in all public schools shall give instruction in morals, in physiology and hygiene, and in the effects of narcotics and stimulants. (1347)

**2836. Teachers' examinations**—The county superintendent shall hold at least two examinations a year in convenient places in his county, upon such notice as may be prescribed by the state superintendent. The time of such examinations shall be fixed by the state superintendent, and shall be uniform throughout the state, and shall determine the educational qualification of applicants for teachers' certificates. The school board of any district in which any such examination is appointed shall allow the free use of any schoolhouse or schoolrooms for that purpose, upon ten days' notice of selection from the county superintendent. (1348)

**2837. Conduct of examinations**—Such examinations shall be public, and shall be conducted by the county superintendent, or by persons appointed by him, strictly according to the regulations prescribed by the state superintendent. An affidavit may be required of persons conducting such examinations that they have been conducted fairly and according to such regulations. Teachers taking part therein may dismiss their schools for not to exceed two days in each year without loss of time. (1349)

**2838. Branches of examination**—All applicants for certificates shall be examined in the following branches: Reading, spelling, writing, arithmetic, grammar, United States history, composition, geography, physiology, civil government, and practical hygiene. Applicants for a first grade certificate shall also be examined in elementary algebra, plane geometry, physical geography, and physics; but the state superintendent may, in his regulations, designate other branches that may be taken in lieu of physical geography, physics, and plane geometry, at the option of the applicant. Applicants for any grade may, at their option, be examined in music, drawing, and such languages as may be prescribed by the state superintendent. Applicants for special certificates shall be examined in all the branches required for second grade certificates, and in such other branches as they wish to be specially authorized to teach. (1350)

**2839. Marking on examination**—The written answers for the scholastic examination shall be read and marked under the direction of the state superintendent. Markings for the professional requirements shall be given by the county superintendent, who shall also be the judge of skill in teaching and moral character of applicants. (1351)

**2840. High and normal school certificates may be accepted, when**—Certificates from state high or normal schools, showing a standing of not less than seventy-five per cent., may be received by the state superintendent, under such conditions as he may prescribe, in place of such examination. (1352)

**2841. State examinations**—State examinations for professional certificates shall be held by the state superintendent, or by a committee of three competent teachers appointed by him, at such times and places as he may direct. (1353)

**2842. Same**—Such examinations shall include, in addition to the branches required for a first grade certificate, the following:

1. Educational science, including (1) history of education, (2) psychology, (3) general pedagogy, and (4) school organization and law.
2. Mathematics, including (1) higher algebra, (2) solid geometry, and (3) trigonometry, plane and spherical.

3. English, including (1) English and (2) American literature, and (3) rhetoric.

4. History, (1) ancient (to A. D. 800), (2) mediæval, (3) English, and (4) American.

5. Science, including botany, chemistry, physics, geology, and physiography, astronomy, zoölogy, and political science. (1354)

**2843. Certificate and diploma in place of examination**—A first grade state certificate, and a diploma from the academic department of a reputable college or university, with proof of one year's successful teaching in this state, shall be accepted in place of an examination in all such branches. (1355)

**2844. Expenses of examinations, etc.**—The local expenses of such examinations shall be paid by the county in which they are held; the expense incurred by the state superintendent under the provisions of this chapter, not to exceed twenty-five hundred dollars per year, shall be paid out of the fund for conducting teachers' institutes. (1356)

**2845. Teachers' certificates**—There shall be five grades of regular teachers' certificates: Third grade, second grade, first grade, second grade professional, and first grade professional. No certificate shall be granted except on satisfactory proof of professional ability and moral character. Provided, that the state superintendent of public instruction may in his discretion issue certificates of qualification without examination to persons who have taught in public schools of this state for five or more years, upon their filing with said superintendent of public instruction a written application approved by the board of education or school trustees, together with the city superintendent or county superintendent, under which said applicant shall have taught the greater part of five years preceding the date of application. (1357)

R. L. § 1358 is repealed. See note under § 2861.

**2846. Second grade certificates**—Second grade certificates shall be given to persons otherwise qualified, not less than eighteen years of age, and of at least five months' successful experience in teaching. Such certificates shall be signed by the state and county superintendent, and shall be valid for two years in the county designated, and in any other county upon indorsement by the county superintendent thereof. (1359)

**2847. First grade certificates**—First grade certificates shall be given to persons otherwise qualified, and of at least eight months' successful experience in teaching. Such certificate shall be signed by the state and county superintendents, and shall be valid for five years in any county of the state, upon presentation thereof to the county superintendent of such county. (1360)

**2848. Certificates of graduation from university**—Certificates of graduation from the state university issued to graduates of the college of education and to those graduates from its college of science, literature and art, (or its college of agriculture) who have taken specified courses in the college of education, shall be valid as first grade professional certificates for two years from their date, and at the expiration of two years of actual successful teaching, such certificates, endorsed by the president of the university and the state superintendent, shall have the force of permanent first grade professional certificates. (R. L. § 1361, amended '09 c. 455 § 1)

1909 c. 455 § 5 repeals R. L. § 1369.

**2849. Same—Diplomas from normal schools, etc.**—Diplomas issued to graduates of the state normal schools (or of the teachers' course in the department of agriculture of the state university) shall be valid as first grade certificates for two years from their date, and at the expiration of two years of actual, successful teaching, such diplomas, endorsed by the president of the school granting them, and the state superintendent, shall have the force of first grade certificates for life. ('09 c. 455 § 2)

**2850. Same—Elementary diplomas**—Elementary diplomas granted by a state normal school upon the completion of such portion of the course of study as may be prescribed therefor by the normal school board, shall be valid as first grade certificates for the period of three years from their date, and

shall not be renewable; except that any holder of such an elementary diploma may have the force and effect thereof, as such first grade certificate, extended for a further period of three years, by the completion of an additional one year of work in a Minnesota state normal school, and the certificate of endorsement thereon by the president of such school and the state superintendent; provided, that the provisions of this section shall not apply to persons now holding Minnesota elementary normal school diplomas, nor to any student heretofore enrolled in a Minnesota state normal school who shall be graduated prior to September 1, 1911. ('09 c. 455 § 3)

**2851. Same—Certificates from normal schools in certain cases—**The holders of certificates from the state normal schools, showing the completion of two years of prescribed work in such schools, shall be entitled to have such certificates endorsed by the superintendent of public instruction and thereby given the full force and effect of a second grade certificate. ('09 c. 455 § 4)

**2852. Renewal and validity of certificates—**First and second grade certificates may be renewed as prescribed by the state superintendent, and shall be valid in all grades below the high school unless the school board of any district, by formal action, decide otherwise, and except as otherwise expressly provided in this chapter. (1362)

**2853. Limited second grade certificates—**Limited second grade certificates, good for one year, may be given by the county superintendent to persons without experience, not less than seventeen years of age, who have passed the required examination. (1363)

**2854. Appeals—**Any person to whom a certificate is refused may, within ten days from the receipt of notice of refusal, appeal to the state superintendent, and, when such refusal is for failure to pass the scholastic examination, he may on appeal have his papers reviewed and marked by the instructors in the corresponding branches of the state university, and such review and marking shall be final. (1364)

**2855. Suspension of certificate—Appeal—Powers and duties of state superintendent—**Any county superintendent of schools may, for any of the causes mentioned in section 2 [2856] hereof, upon his own authority or upon written complaint of any school board of his county, and after serving notice on the teacher of the grounds of complaint, and after an opportunity for the teacher to make defense, suspend such teacher's authority to teach in any public school in the county.

The teacher whose certificate is thus suspended may appeal to the state superintendent within ten days after receipt of notice of the suspension of the certificate. The state superintendent shall either confirm, modify or reverse such suspension, and may order that the suspension shall apply against teaching in any public school in the state, or may revoke the certificate, and his action shall be final. In case the county superintendent shall refuse to suspend a teacher's certificate upon complaint of the school board employing such teacher, the board may appeal in like time and manner, and upon such appeal the state superintendent may annul the teacher's authority to teach. by a suspension or revocation of such teacher's certificate, after serving notice on the teacher of the grounds of complaint, and after opportunity for the teacher to make defense, and his action in the premises shall be final.

The county superintendent shall file with the clerk of the school board and the state superintendent a statement of the suspension of any teacher's certificate, with his reasons for such action, and deliver a copy of such statement to the teacher, whose authority to teach in such county shall cease in ten days from the service of such statement on said teacher, unless an appeal is taken, as herein provided. ('11 c. 96 § 1)

Section 3 repeals R. L. §§ 1365, 1371.

**2856. Same—Causes for revocation or suspension—**The following shall be considered as causes for the revocation or suspension of a teacher's certificate:

- (a) Immoral character or conduct unbecoming a teacher.
- (b) Failure, without justifiable excuse, to teach for the term of his contract, without first securing the written release of the school board.
- (c) Inefficiency in teaching or in the management of a school.

(d) Affliction with active tuberculosis or some communicable disease shall be considered as cause for the suspension of certificate, while the holder thereof is suffering from such disability. ('11 c. 96 § 2)

**2857. Professional certificates**—Permanent teachers of high character and successful experience may be granted first grade professional certificates, upon passing the examination or furnishing the evidence hereinafter provided for such certificates. Such certificate shall authorize the holder to teach in any school in the state, upon presenting the same to the superintendent having supervision of such school, and shall remain in force as long as its holder is engaged in educational pursuits, but shall be void after he shall cease for three years so to do, unless it be renewed by indorsement of the state superintendent. (1366)

**2858. Second grade professional certificates**—A second grade professional certificate may be granted to any such teacher who passes a successful examination on all the branches included in subdivision 1, and in six branches included in the other subdivisions of § 2842, to be selected by him. (1367)

**2859. First grade professional certificates**—A first grade professional certificate may be granted to any such teacher who passes a satisfactory examination in all the branches of subdivision 1, in two of those in each of subdivisions 2 and 3, and in three of those in each of the other subdivisions of § 2842, or furnishes the evidence of qualification made equivalent to such examination. (1368)

R. L. § 1369 repealed. See note under § 2848.

**2860. Professional permits**—The state superintendent may grant to teachers, who lack not more than three of the branches required for a professional certificate, professional permits good for one year, which shall confer during such time the same authority to teach as a professional certificate. (1370)

R. L. § 1371 repealed. See note under § 2855.

**2861. Fees for certificates, etc.**—Every candidate at each examination for a teacher's certificate or for the renewal or extension of such certificate shall pay a fee of 50 cents before such examination is entered upon or renewal or extension granted. Such fees shall be collected by the county superintendent and by him remitted to the state superintendent. Each candidate for the endorsement of a diploma granted by a Minnesota normal school or by a normal school of another state, and each candidate for a professional certificate granted either upon examination or by endorsement of proper credentials, shall pay to the state superintendent a fee of \$1.00 before such examination is entered upon or certificate issued. The fee for a permanent professional certificate shall be \$5.00.

The state superintendent shall at the end of each month pay to the state auditor the full amount of all such examination fees paid or remitted to him, together with a report showing the amount of fees collected for each class and kind of certificate. The state auditor shall credit all such fees to the teachers' institute fund, except those paid for the endorsement of diplomas issued by Minnesota normal schools, which shall be credited in the proper amount to the support fund of the normal school by which the diploma so endorsed as a certificate has been issued. ('13 c. 557 § 1)

Section 5 repeals R. L. §§ 1358, 1372.

**2862. Same—Special certificates**—The state superintendent may issue a special certificate to (1) a graduate of a standard and approved college or state normal school; (2) to one otherwise qualified who has completed such course of study and training as the said superintendent may require, authorizing the holder to teach music, drawing, home economics, manual or industrial arts, agriculture, commercial subjects or to serve as kindergarten or primary teachers. ('13 c. 557 § 2)

**2863. Same—Certificates from other states**—The state superintendent may accept or endorse certificates from other states, on such conditions as he may prescribe. ('13 c. 557 § 3)

**2864. Same—Candidates for certificates—Requirements**—From and after August 1, 1915, all candidates for teacher's certificates by examination, re-

newal or endorsement of credentials, except those who have taught successfully for at least eighteen months in the public schools prior to such date, or those receiving a second or limited certificate, must have completed such a course of professional training for teaching not exceeding thirty-six weeks, as may be prescribed by the state superintendent.

Training courses in the state university, in state normal schools, in state high schools, or in private schools fully and fairly the equivalent of those given in state schools and approved by the said superintendent shall be accepted as meeting the requirements for teachers training under this section. ('13 c. 557 § 4)

### STATE TEACHERS' EMPLOYMENT BUREAU

**2865. How maintained**—There is hereby established a bureau for the purpose of securing employment for teachers in the public schools in this state, to be known as the state teachers' employment bureau, and to be maintained in connection with the department of public instruction, under the direction of the superintendent of public instruction, as hereinafter provided. ('13 c. 523 § 1)

**2866. Who may be enrolled—Fees**—Any person having a certificate to teach in this state, or who has completed a course of study as required for the issuance of a certificate, or who may be found entitled to receive such certificate, and who is deemed to be a fit and capable person for teaching, shall be entitled to enroll with said state teachers' employment bureau upon complying with the regulations hereinafter referred to, and upon the payment of an annual fee of three (3) dollars, which fee shall entitle the person so enrolled, to the privileges and services of said bureau for the term of one year from the date of filing of enrollment and receipt of fee. ('13 c. 523 § 2)

**2867. Purpose of bureau—Information, etc.**—It shall be the purpose of the state teachers' employment bureau to furnish information to boards, superintendents, principals, or other proper authorities of public schools, upon request, regarding teachers, and to furnish teachers enrolled with the bureau, information relative to vacancies in positions in public schools; but no person connected with the state teachers' employment bureau shall be held responsible for nor be understood to vouch for the fitness or success of any teacher who may secure a position in a public school through the said bureau, nor shall the acceptance of the enrollment and payment of the annual fee be construed as a guaranty for securing through the bureau employment to teach. ('13 c. 523 § 3)

**2868. Duties of superintendent of public instruction—Director and assistants, etc.—Bond**—The superintendent of public instruction shall appoint a person who shall be known as the director of the state teachers' employment bureau, who shall perform his duties under the general supervision of said superintendent, and serve during his pleasure, and who shall be furnished necessary office rooms in the state capitol. The superintendent of public instruction may appoint such clerical and other assistants as may be required to carry out the purposes of this act, but the expense therefor shall not exceed the moneys appropriated therefor. Said superintendent shall be charged with the general management and control of said teachers' employment bureau, and shall make the necessary rules and regulations for conducting its affairs and for the obtaining of information as to the experience, qualification and character of persons seeking employment. He shall collect and receipt for all fees provided for in this act, and report and pay said fees to the state treasurer once in each month. He shall furnish to the state a surety bond in a sum to be fixed by the governor and state auditor, the cost thereof to be paid for from the funds appropriated for the bureau. ('13 c. 523 § 4)

### SUPERINTENDENTS

#### SUPERINTENDENT OF EDUCATION

**2869. Supervision of public schools**—The general supervision of public schools is vested in a state superintendent to be known as the superintendent

of education, and in the various county, city and district superintendents, the state high school board and its inspectors. ('13 c. 550 § 1)

See § 294.

**2870. Superintendent of education—Appointment—Duties—Deputy—Assistants—Rural school commissioner—Supervisor of school libraries—**A superintendent of education shall be appointed by the governor, by and with the advice and consent of the senate. The first superintendent so appointed shall serve until January 20, 1915, and subsequent appointees shall hold for a term of four years and until their successors are appointed and qualified. Vacancies in said office shall be filled by like appointment for the remainder of the term. He shall have an office in the capitol, where he shall file and keep all papers, reports and public documents made or sent to him, and a record of all his official business. He shall appoint a deputy who shall perform his duties when absent or disabled, and three other assistants, a rural school commissioner and supervisor of school libraries, each of whom shall perform such duties as the superintendent may require. He may employ other necessary assistants and clerks and fix their compensation not to exceed moneys appropriated therefor. ('13 c. 550 § 2)

**2871. Expenses—**The superintendent and other persons appointed by him shall receive their necessary expenses for traveling and other incidental expenses incurred in connection with their official duties, to be paid from the contingent fund or from other appropriations made for such purposes. ('13 c. 550 § 3)

See § 294.

**2872. Powers and duties of superintendent—Biennial report—**Besides exercising general supervision over public schools and public education agencies in the state, the superintendent of education shall prescribe rules for the several classes of public schools receiving special state aid. He shall classify and standardize rural and other public schools and prepare for them outlines and suggestive courses of study. He shall, under the laws prescribed therefor, issue all certificates to those employed as teachers and supervisors in public schools.

For the purpose of considering matters affecting the interests of public education, he shall, upon notice, meet the several county and city superintendents and school principals at such times and places in the state as he shall deem most convenient and beneficial. On or before December 1 of each even-numbered year, he shall prepare and submit to the legislature, through the governor, a report containing:

1. An abstract of the reports of the several county superintendents showing such facts and giving such information as the said superintendent may require relative to public schools, including enrollment, attendance, and classification of pupils in public schools.

2. A statement of the condition of public schools and of public and other institutions of learning reporting to him.

3. The amount of moneys received and expended each year for public schools and public education, specifying the amount received from each source and the amount expended for each purpose.

4. The number, kind, and name of public schools of each class receiving state aid, and the estimated amount of aid for the ensuing two years, together with such facts relating to these schools as will show their progress and work. ('13 c. 550 § 4)

**2873. Uniform system of records and accounting—Reports—**The superintendent of education shall prepare a uniform system of records for public schools, require reports from county and other superintendents and principals of schools, teachers, school officers, and the chief officers of public and other educational institutions, to give such facts as he may deem of public value. He shall establish and carry into effect a uniform system of accounting by public school officers, and he shall have authority to supervise and examine the accounts and other records of all public schools. ('13 c. 550 § 5)

**2874. Rules for school buildings, etc.**—He shall prescribe rules and examine all plans and specifications for the erection, enlargement and change of school buildings, which plans and specifications shall first be submitted to him for approval before contract is let, and no new school building shall be erected or any building enlarged or changed until the plans and specifications have been submitted to and have been approved by the superintendent of education. He shall include in such rules those made from time to time by the state board of health, relative to sanitary standards for toilets, water supply and disposal of sewage in public school buildings. In all other respects the authority to make rules for public school buildings shall be vested in the superintendent of education. Under such rules and procedure as the superintendent or the high school board shall prescribe, he may condemn school buildings and sites which are unfit or unsafe for use as such. ('13 c. 550 § 6)

**2875. Superintendent of public instruction abolished, etc.**—Upon the appointment, confirmation and qualification of the superintendent of education, herein provided for, the office of superintendent of public instruction shall be abolished and shall cease and terminate and all duties and powers prescribed by law for the superintendent of public instruction, and not inconsistent with this act, shall be vested in and performed by the superintendent of education. ('13 c. 550 § 7)

See § 294.

**2876. Laws repealed**—Sections 1373, 1374, 1375, 1376, and 1377, Revised Laws of 1905, and all other acts and parts of acts inconsistent with this act, are hereby repealed. ('13 c. 550 § 8)

See § 294.

**2877. Blanks for school use**—He shall prepare and distribute, through the county superintendents, school registers, blanks for all reports required by this title, record books for district treasurers and clerks, and any other blanks necessary for school business. (1378)

#### COUNTY SUPERINTENDENTS

**2878. Duties**—In addition to their other duties, county superintendents shall visit and instruct each school in their counties at least once in each term, except those under the immediate charge of a city or district superintendent, and instruct its teachers; organize and conduct such teachers' institutes as they shall deem expedient; encourage teachers' associations; advise teachers and school boards in regard to the best methods of instruction, the most approved plans for building, improving, and ventilating schoolhouses, or ornamenting school grounds, and of adapting them to the convenience and healthful exercise of the pupils; stimulate school officers to the prompt and proper discharge of their duties; receive and file all reports required to be made to them; and make a report to the state superintendent, containing an abstract of such reports, a written statement of the condition and prospects of the schools under their charge, and such other matters as they may deem proper, or as may be called for by the state superintendent. (1379)

**2879. Meetings of district officers**—The county superintendent may call meetings of the district officers of his county at such times and places as may be convenient, to remain in session for one day, for consultation and advice in regard to school statistics, methods of organization of schools, and other matters relating to the educational interests of the public schools. (1380)

**2880. Records**—The county superintendent shall keep in books provided by the county a record of examinations of candidates to whom certificates are granted or refused, of the date of examination, the name, sex, and age of each candidate, the grade of certificate granted, and the grounds on which any certificate is refused, and a like record of all certificates of those teaching in his county, and of such other matters as may be prescribed by the state superintendent. (1381)

32-476, 21+554.

2881. **Blanks**—He shall forward to teachers and clerks all blanks and circulars furnished him for their use, and shall be guided generally by the rules prescribed by the state superintendent and the high school board. (1382)

2882. **Report to state superintendent**—He shall report to the state superintendent, on or before September 20 of each year, the number of different pupils of school age enrolled in the schools of each district; taking care that no pupil is counted more than once, and that no one not entitled to apportionment is included. This report shall include tabulated extracts from the reports of the teachers and clerks, and such other matters as may be called for in the blanks. (1383)

2883. **Report to auditor**—He shall in like manner, on or before the last Wednesday in October, file with the county auditor an abstract of the number of pupils of school age enrolled in the schools of each district, and entitled to be counted for appropriation from the current school fund, and of months' school taught in each school during such school year. (1384)

2884. **Failure to report**—No warrant shall be drawn for the payment of the salary of the county superintendent for the month of October of any year unless such report to the auditor shall have been filed, and proof made of the filing of such superintendent's report to the state superintendent. (1385)

2885. **Deputy superintendent**—Any superintendent physically unable to visit his schools or conduct teachers' examinations in proper time may appoint a deputy superintendent for not more than sixty days in any year, to be paid by such county superintendent. (1386)

R. L. § 1387 repealed. See § 1013.

#### TOWN SUPERINTENDENTS

2886. **Election—Term**—Each organized town in school districts containing twenty or more townships shall elect at its annual town meeting a town superintendent. His term of office shall be for one year and until his successor qualifies. His compensation shall be fixed by the town meeting, and shall remain as so fixed until changed by a subsequent meeting, and shall be paid out of the town funds. (1388)

2887. **Duties**—The town superintendent shall advise the school board in regard to the location, erection, and repair of school buildings, the improvement of school sites, the employment of teachers, the furnishing of school supplies, and all other matters relating to the schools in the town. He shall look after truants, visit the schools, attend meetings of school officers called by the county superintendent, report from time to time to the school board the condition of schools in his town, with such suggestions in regard to their improvement as he may deem proper, and, when authorized by the school board, make contracts for fuel and other necessary supplies for the schools in his town, and for ordinary repairs for the schoolhouses. (1389)

#### HIGH SCHOOL BOARD

2888. **Composition**—The state superintendent, the president of the state university, and the president of the board of normal school directors, ex officio, and the superintendent or principal of a high school, and one other person appointed by the governor and confirmed by the senate, shall constitute the high school board. They shall be entitled to their actual necessary expenses, but no compensation. (1390)

2889. **Duties—Private schools**—The board shall establish rules, relating to examinations, reports, acceptances of schools, and courses of study, and other proceedings in connection with high and graded schools applying for special state aid, and shall prescribe and enforce the maintenance of an optional English or business course, as equivalent to the preparatory collegiate course; but the school board of any district may substitute any proper studies in place of any studies embraced in such course. Provided, that the privileges of the state high school board examinations shall be extended, under the supervision of the board to the private schools and academies in this state which make application therefor, and the courses of study and require-

ments for graduation of which correspond in general to that of state high schools, and which said private schools and academies so desiring such privilege shall submit to the same rules and inspection with respect to these examinations as may be provided for state high schools. (R. L. § 1391, amended '09 c. 188 § 1)

**2890. Records and reports**—It shall keep a record of all its proceedings, and on or before September 1 shall make a report to the state superintendent covering the previous year, and showing in detail:

1. All receipts and disbursements, with the source and nature thereof.
2. The names and number of schools of each grade receiving aid, and the number of pupils attending each class therein.

To such report it may add such recommendations as it may deem best. (1392)

**2891. Appointment of inspectors, assistants, and examiners**—It shall appoint a high school and a graded school inspector, and such assistant inspectors and examiners as may be necessary, and fix their compensation; but no person receiving a salary from a state institution shall receive any compensation under this section, and the pay of examiners shall not exceed three dollars per day, or fifty cents per hour. (1393)

**2892. Duties of inspectors and assistants**—The high school inspector or an assistant shall visit and examine each high school at least once in each year, and carefully inspect its instruction and discipline, and immediately make a written report thereon. The graded school inspector and his assistants shall perform like duties in respect of graded schools. (1394)

**2893. When county superintendent may make inspection**—Upon written application, such board shall empower any county superintendent to make like examinations of schools in his county other than high and graded. He shall hold the same relation to the board as the principal or superintendent of schools under its supervision, and shall establish a regular and orderly course of study, meeting the requirements of such examinations and tests. Such course shall include all the branches required for a second grade certificate, and such others as may be taught in the schools under his supervision. (1395)

**2894. Assistants**—He may appoint assistants, not to exceed one for each township, and shall designate the points at which such examinations are to be held, not to exceed one for each township. The assistants shall report the result of the examinations to him, and he shall in like manner report to the board. Such assistants shall be paid by the county at the rate of three dollars per day for the time necessarily occupied in such examinations. (R. L. § 1396, amended '07 c. 341 § 1)

### SCHOOL FUNDS

**2895. State apportionment of school funds**—The state superintendent shall apportion the available current school fund among the counties on the first Monday of March and of October in each year, in proportion to the number of scholars of school age entitled to apportionment therein. No scholar shall be counted more than once in any county, which shall be in the district in which his parents or guardians reside, if such scholar has attended school and is entitled to apportionment therein. But no district shall be entitled to any portion of said fund that has not had at least five months of school term within the year, conducted pursuant to the provisions of this chapter, nor shall any district be entitled to any part of said fund for any pupil who has not attended school at least forty days within such year. (1397)

**2896. State auditor to draw warrant—Standing appropriation**—Upon receiving a copy of such apportionment, the state auditor shall draw his warrant on the state treasury, payable to the state treasurer, for the amount due each county. The state treasurer shall apply such amount in his semi-annual settlement with each county named in the apportionment, and, if the amount due any county shall exceed the amount due from such county

for state taxes, shall forthwith transmit to the county treasurer the amount of such excess. There is hereby annually appropriated from the current school fund the amount of such apportionments. (1398)

2897. **County apportionment**—The county auditor on the last Monday in March and October of each year shall apportion among the districts entitled thereto the amount apportioned from the current school fund, and the amount received from liquor licenses, fines, estrays, and other sources, belonging to the general school fund, upon the same basis provided for the state apportionment, and such money shall be used only for the payment of teachers' wages; but no district shall receive any part of the money received from liquor licenses unless all sums paid for such licenses in such district are apportioned to the county school fund, and no district shall receive in any year from the apportioned fund a greater amount than that appropriated by such district from its special and local one-mill tax for that year, unless such district has levied for such year the maximum amount allowed by law for school purposes. (1399)

2898. **Apportionment to schools in new districts**—Any district which for the first year after its organization has made provision for a four-months school by the levy of a sufficient tax, and has maintained a legal school for one month, shall receive its share in the first succeeding apportionment, in proportion to its actual enrollment. Such enrollment shall be reported as in other cases, and the number of pupils so returned shall be included by the state superintendent and the county auditor in their apportionment. (1400)

2899. **Report of county apportionment, etc.**—The county auditor, on the first Wednesday after such apportionment, shall report to the state superintendent the amount apportioned to each district, the sources from which such money was received, the aggregate number of pupils in the county, and the number of districts sharing in the apportionment. He shall also, immediately after the qualification of the county superintendent, report to the state superintendent his name and postoffice address. (1401)

### PENALTIES

2900. **Excluding or expelling pupils**—Any member of any public school board or board of education of any district, who, without sufficient cause, or on account of race, color, nationality, or social position, shall vote for, or, being present, shall fail to vote against, the exclusion, expulsion, or suspension from school privileges of any person entitled to admission to the schools of such district, shall forfeit to the party aggrieved fifty dollars for each such offence, to be recovered in a civil action. (1402)

2901. **Improper classification**—No district shall classify its pupils with reference to race, color, social position, or nationality, nor separate its pupils into different schools or departments upon any of such grounds. Any district so classifying or separating any of its pupils, or denying school privileges to any of its pupils upon any such ground, shall forfeit its share in all apportioned school funds for any apportionment period in which such classification, separation, or exclusion shall occur or continue. The state superintendent, upon notice to the offending district, and upon proof of the violation of the provisions of this section, shall withhold in the semiannual apportionment the share of such district, and the county auditor shall thereupon exclude such district from his apportionment for such period. (1403)

2902. **Refusing to serve on school board**—Any person accepting an election or appointment upon any school board, and refusing or neglecting to qualify or to serve, or to perform any of the duties of such office, shall forfeit for each offence the sum of ten dollars, to be collected in an action before a justice of the peace, to be prosecuted in the name of the district by its director or other proper officer, or by any freeholder thereof. (1404)

31-227, 17+373.

2903. **Failure of clerk to report**—Any clerk of a school district who fails to make any report required of him by law shall forfeit not less than five dollars nor more than fifty dollars for the use of the district. (1405)

2904. **Drawing illegal order**—Any school district clerk who shall illegally draw an order upon the treasurer, any chairman or other officer who shall attest such order, and any school district treasurer who shall knowingly pay the same, shall each forfeit to the district twice the amount of such order, to be collected in an action brought in the name of the district by any freeholder thereof. (1406)

31-333, 17+866.

2905. **Neglecting to keep or deliver records**—Any school district clerk who shall neglect to keep the books and records of his office in the manner prescribed by law, or shall willfully refuse to deliver such books and records to his successor in office, shall forfeit to the use of the district the sum of ten dollars for each offence. (1407)

2906. **Failure of auditor to report**—Any county auditor who shall fail to make to the state superintendent of public instruction any report of apportionment required by law shall forfeit for the benefit of the school fund of the county the sum of fifty dollars. (1408)

2907. **Failure of county superintendent to report**—Any county superintendent who shall fail to report to the county auditor the abstract of district clerks' and teachers' reports required by law, or to make his statistical report to the state superintendent, shall forfeit to the school fund of the county for each such omission fifty dollars, to be deducted from his salary by the county board. (1409)

2908. **Dealing in school supplies**—No teacher, nor any state, county, town, city, or district school officer, shall be interested directly or indirectly in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which he is connected. Any person violating any of the provisions of this section shall forfeit not less than fifty dollars nor more than two hundred dollars for each such offence. But this section shall not apply to a teacher who may have an interest in the sale of any book of which he himself is the author. (1410)

2909. **Certain contracts validated**—In any case, prior to the date of the passage of this act, in which any independent school district in cities and villages having a population between one thousand and five thousand in this state has purchased, received and used necessary supplies and merchandise under a contract made and entered into between April 1st, 1903, and May 1st, 1903, invalid for the reason that the vendor therein was an officer or member of the legislative body of such school district and, as such, disqualified to make such contract, said contract and any payments on account thereof is hereby legalized and said school district may allow and pay such vendor the reasonable value of the supplies and merchandise so purchased, received and used not exceeding contract price therefor without interest, provided, that this act shall not affect any proceeding or action now pending in any court in this state. ('09 c. 255 § 1)

2910. **Same—Affidavit**—The provisions of this bill shall not apply to any contract unless it shall first be made to appear by the affidavits of the seller and of a majority of the members of the board which purchased the goods, supplies and merchandise, which affidavit shall have first been filed with the clerk of the board or district affected, that the contract was entered into without knowledge of its illegality, and that the goods, supplies and merchandise were such as were necessary to the proper maintenance of the schools and were actually received and used for that purpose, and such contracts shall not bear interest. ('09 c. 255 § 2)

2911. **Duty of officers to report violations of law**—Every officer to whom reports are required by this chapter to be made, and for the failure to make which a penalty or fine or forfeiture is provided, shall give immediate written notice of such failure to the delinquent and to the proper county attorney. Such county attorney shall thereupon institute proper proceedings to collect such penalty, fine, or forfeiture. Upon complaint of the county superintendent, or whenever it comes to his knowledge that any school officer has violated any provision of this chapter, for which violation a penalty,

fine, or forfeiture is provided, such attorney shall institute like proceedings. (1411)

31-227, 17+373.

**2912. Basement rooms for graded schools in certain cities**—It shall be unlawful for any school board of any public school in any city having a population of twenty thousand or more inhabitants, to maintain or allow any basement room to be used for grade school purposes, except rooms used exclusively for the purpose of teaching domestic science, manual training or physical culture; provided, however, that two basement rooms, during the year 1910, and one basement room, during the years 1911-1912, may be used in any one building. ('09 c. 52 § 1)

**2913. Same—Basement room defined**—For the purpose of this act a basement room shall mean any room, the floor of which is below the surface of the surrounding ground on all sides of said room. ('09 c. 52 § 2)

**2914. Same—Penalty**—Any such school director of any public school violating section one [2912] of this act shall be guilty of a misdemeanor for each and every offense. ('09 c. 52 § 3)

### SCHOOL TAXES

**2915. State school tax**—There shall be levied annually upon the taxable property of the state a tax of one and twenty-three one-hundredths mills on the dollar, to be known as the state school tax, of which one mill on the dollar shall be added to the general school fund, which shall then be known as the current school fund, and the remainder of such tax shall be added to the university fund. (1412)

**2916. County school tax—District tax**—The county auditor shall extend upon the tax lists of the county, in the same manner as district school taxes are extended, a tax of one mill on the dollar of the taxable property in each district, to be known as the county school tax, and be credited to the school district in which the property taxed is situated. The tax levied by school districts shall be known as the district school tax. (1413)

**2917. District school tax**—In common districts such district school tax shall not exceed fifteen mills on the dollar for the support of the schools, or ten mills for the purchase of school sites and the erection and equipment of school houses; but in such districts in which such ten-mill tax will not produce six hundred dollars, a greater tax may be levied for school sites and buildings, not to exceed twenty-five mills on the dollar, nor six hundred dollars in amount. In common districts having less than ten voters the district school tax shall not exceed four hundred dollars. In independent districts no tax in excess of eight mills on the dollar shall be levied for the purpose of school sites and the erection of school houses. In special districts such amounts may be levied as may be allowed by special law at the same time when the Revised Laws take effect. Provided, that in any common school district of this state in which there is now or shall hereafter be maintained a high school or a graded school, the district school tax for the support of schools may be not to exceed twenty-five mills on the dollar. (R. L. § 1414, amended '09 c. 458; '13 c. 36 § 1)

87-234, 91+842.

**2918. Same—In districts having 50,000 inhabitants**—In all districts having fifty thousand (50,000) inhabitants or more there may be levied, independently of and in addition to other sums for school purposes authorized by law the following two additional amounts, first four (4) mills on the dollar, for the purchase of school sites and the erection, repair, furnishing and fitting of school buildings, payment of teachers' salaries and the general maintenance of the schools, which amount to the extent of three and one-half mills only, may be appropriated to general maintenance and the remainder to one or more of such other uses; second, an amount not exceeding one (1) mill for increase of teachers' salaries; provided that the total levy in any such district for the maintenance of the schools shall not exceed nine (9) mills on the dollar. (R. L. § 1415, amended '07 c. 308; '13 c. 270 § 1)

79-201, 81+912.

**2919. Same—In districts having not less than 20,000 nor more than 50,000 inhabitants—**School districts now or hereafter having not less than 20,000 inhabitants, nor more than 50,000 inhabitants, are hereby empowered to annually levy for the general fund of such district a school tax not exceeding eleven (11) mills on the dollar of the valuation of all taxable property in such school district, according to the last preceding official assessment thereof. ('11 c. 24 § 1)

Section (unnumbered) repeals 1905 c. 25.

**2920. Same—To what districts applicable—**The provisions of this act shall apply to every school district within the above mentioned class, whether existing under general or special law, and in determining to what school district this act shall apply, reference shall only be had to the state census last taken. ('11 c. 24 § 2)

**2921. Tax in certain districts having not less than 10,000 nor more than 20,000 inhabitants—**Special school districts now or hereafter having not less than ten thousand (10,000) inhabitants nor more than twenty thousand (20,000) inhabitants are hereby empowered to annually levy for general school purposes a general school tax not exceeding nine (9) mills on the dollar of the valuation of all taxable property in such school districts according to the preceding official assessment thereof. This act shall not apply to school districts, the boundaries of which extend into two or more counties. ('13 c. 115 § 1)

By section 3 any part of Sp. L. 1878 c. 156, or of Sp. L. 1889 c. 510, and all acts or parts of acts conflicting or inconsistent with this act, are repealed.

**2922. Same—Bonds—**The electors of such special school districts are hereby empowered to issue bonds for permanent improvements in any sum not exceeding twelve (12) per cent of their last official assessed valuation. ('13 c. 115 § 2)

**2923. Tax in districts under special laws and containing less than 3,000 inhabitants—**The school board of any school district within this state organized and existing under any special law and containing a population of less than 3000 people is hereby authorized to levy a tax of not to exceed twenty (20) mills on the dollar for school purposes, exclusive of tax levy for interest on bonded indebtedness, sinking fund or building fund, notwithstanding any limitation as to the amount of taxes which may be levied by the special act under which such school district was organized. ('11 c. 233 § 1)

**2924. Tax in certain districts whose boundaries are coterminous with those of city of fourth class—**The board of education of any school district within this state, organized and existing under any special law passed prior to January 1st, 1867, and whose boundaries are coterminous with the boundaries of any city of the fourth class, is hereby authorized to levy a tax of not to exceed twenty (20) mills on the dollar for school purposes, exclusive of tax levy for interest on bonded indebtedness, sinking fund or building fund, anything in the special law creating such district or amendments thereto to the contrary notwithstanding. ('13 c. 72 § 1)

**2925. Same—School board to report to county auditor, etc.—**Such board of education shall report its tax levy directly to the county auditor who shall enter said tax on the tax rolls of said county, and said levy shall be final and shall not be submitted for review to any person or body other than said board of education, anything in any general or special law to the contrary notwithstanding. ('13 c. 72 § 2)

**2926. Repayment of excessive taxes—**That in any case where the clerk of any common school district in this state has heretofore, through error and mistake, furnished to the county auditor of the county in which such school district is located, an attested copy of a record showing that said school district voted more money for school purposes than the amount actually voted in said school district in any year for such purposes, and the amount returned through said error and mistake exceeds the sum actually voted by more than the sum of \$300.00, the clerk of said school district may, at any time after the tax therefor has been extended in the way and manner as provided by law, furnish to the county auditor of said county proper evidence of such

error and mistake; and if the county auditor is satisfied that said mistake actually did occur he may and is hereby authorized at any time after said tax has been paid into the county treasury, to draw and deliver to each of the tax payers in said school district a warrant upon the treasurer of such county for such tax payers pro rata portion of such excess, and the county treasurer is hereby authorized to pay such warrants and all thereof out of the moneys in said treasury arising from such tax so levied and collected. ('13 c. 180 § 1)

#### STATE AID

**2927. Standing appropriation for schools**—There is hereby appropriated annually out of any moneys in the state treasury not otherwise appropriated the following sums:

1. For aid to high schools, two hundred and seventeen thousand dollars.
2. For aid to graded schools, seventy-nine thousand dollars.
3. For aid to semi-graded schools, sixty-seven thousand dollars.
4. For aid to common schools, one hundred thousand dollars.
5. For necessary expenses of high school board, and salaries and expenses of high and graded school inspectors and examiners, ninety-five hundred dollars, to be drawn from the appropriation for high and graded schools in proportion to the amounts respectively apportioned to each.

Such sums, or such part of said sums as may be necessary, together with any further sums appropriated for such aid, shall be available August 1 of each year. (1416)

See § 2928.

As to repeal of standing appropriations, see §§ 48, 49.

**2928. Same**—For the purpose of carrying out the provisions of this act the following sums are hereby appropriated annually, to be paid out of any moneys in the state treasury not otherwise appropriated, viz.: for aid to state high schools, the sum of two hundred and seventeen thousand dollars. For aid to state graded schools, the sum of seventy-nine thousand dollars. For the necessary expenses of the state high school board and the salaries and traveling expenses of the high school and graded school inspectors, in a sum not to exceed nine thousand five hundred dollars, shall be drawn from the annual appropriations herein made for high and graded schools in proportion to the respective amounts appropriated to each, which sum shall become available on the first day of August, one thousand nine hundred and five. For aid to state semi-graded schools, the sum of sixty-seven thousand dollars. For aid to state rural schools, the sum of one hundred thousand dollars, which amounts or so much thereof as shall be necessary, shall be paid on the warrants of the superintendent of public instruction, drawn on the state auditor. Provided, the first annual appropriation herein provided shall become available August first, nineteen hundred and five for the school year ending July thirty-first, nineteen hundred and five. ('99 c. 352 § 28, amended '01 c. 189; '03 c. 184; '05 c. 296 § 3)

1899 c. 352 and 1901 c. 189 were repealed by §§ 9453, 9454; the provisions of said amended section 28 being incorporated in the preceding section. So far as the above section differs from that section, it is to be construed, by virtue of § 9398, as amendatory or supplementary, and its effect appears to be to supersede said section.

See note under preceding section.

**2929. Annual appropriation in aid of common schools**—There is hereby annually appropriated from the revenue fund of this state fifty thousand (\$50,000.00) dollars in aid of the common schools of this state, available, the first annual appropriation, on or before May first, 1911, and each succeeding annual appropriation, on or before April first, of each succeeding year. ('11 c. 341 § 1)

As to repeal of standing appropriations, see §§ 48, 49.

**2930. Same—How distributed**—The amount so appropriated shall be annually divided among and distributed to the several counties of this state for the use and benefit of and in aid of the common schools thereof, and the county treasurer of each county receiving such aid, shall re-divide and redistribute the same to and to the use and benefit of the common schools of his county in proportion to the acreage of lands owned by this state in each respective school district situated therein; provided, however, that in calculating the acreage of

unsold state lands in any county, lands which have heretofore been or hereafter may be leased by the state for mineral purposes, shall not be included in the calculation; and provided, further, that the amount received by any school district in any year shall not exceed the equivalent of five cents per acre for each and every acre of state owned lands situated within such school district after excluding such leased lands. Provided that no school shall receive under the terms of this act, in any one year, an amount in excess of \$250. ('11 c. 341 § 2)

**2931. Same—Not to be used for sites or buildings—**No part of the money hereby appropriated shall be available for or be used for the purchase of any school site or the erection of any school building. ('11 c. 341 § 3)

**2932. Same—Duty of state auditor—Plats of unsold state lands—**It shall be the duty of the state auditor to supply to the several county auditors of this state, plats with checkings thereon indicating the location and the description of all unsold state lands situated within the organized townships of his county. ('11 c. 341 § 4)

**2933. Apportionment—**The board shall apportion the amount appropriated for such schools equally among the high schools and the graded schools entitled thereto, but no high school shall receive more than twenty-two hundred dollars per year, nor any graded school more than seven hundred fifty dollars per year; nor shall the amount so paid any high school exceed its actual expenditure for such work, exclusive of building and repairs, nor shall any graded school connected with or in the same district with an aided high school share in such apportionment, but graded schools sharing therein shall receive not more than one-half the amount actually raised by special school taxes for current expenses.

This act shall in no way affect the right of any high school or graded school to receive other aid for maintaining special departments or courses by virtue of any other law or laws of this state. (R. L. § 1417, amended '09 c. 334; '11 c. 60; '13 c. 298 § 1)

**2934. Limit of high schools aided—**Not more than seven high schools in the same county shall be included in any apportionment, and any high school so included shall receive aid for at least two years, if it continues to comply with the requirements of law and to do efficient work. In case any high school in a county already having seven aided high schools shall apply for aid, the board may admit such school to apportionment in place of the first school that has received such aid for two years. (1418)

See following section.

**2935. High schools—Applications for aid—**The high school board shall have full discretionary power to consider and act upon applications of high schools for state aid, and, subject to the provisions of this act, may prescribe the conditions upon which such aid will be granted; and it shall be its duty to accept and aid such high schools only as will, in its opinion, if aided, efficiently perform the services contemplated by law. ('05 c. 320 § 10, amended '13 c. 423 § 1)

**Historical—**1905 c. 320 consists of but two sections. 1899 c. 352 § 10, as amended by 1901 c. 19, was amended by 1905 c. 320 § 1.

See preceding section.

**2936. Payment of apportioned fund—**The high school board shall certify to the state auditor the schools to which it has apportioned the appropriation, and the amount apportioned to each. The auditor shall draw his warrant on the state treasurer for the amount due on account of each school, and transmit the same to the proper school board. (1419)

**2937. Additional aid to certain high schools—**In addition to other aid each high school having a four-year course, and organized classes in each of the four grades therein, which shall provide special normal instruction in ( ) the common branches, shall receive annually one thousand dollars for such instruction. Schools entitled to such aid shall be determined annually by the high school board, and the money paid in the same manner as provided in case of other aid to high schools. (R. L. § 1420, amended '13 c. 267 § 1)

**2938. Additional grant to certain state graded schools—**The high school board is hereby authorized and directed to make an additional grant of not

to exceed five hundred dollars to such graded schools as, in addition to meeting all the requirements of a state graded school, shall maintain a course or courses equivalent to two years of high school work, and shall meet the requirements of the state high school board as to enrollment, valuation and population, and such additional requirements as the board may determine. Such aid shall be paid from the appropriations for high schools and graded schools in as nearly proportionate amounts as may be. ('09 c. 444 § 1)

Section 2 repeals inconsistent acts, etc.

**2939. Additional aid to high or graded schools**—Any high or graded school which shall maintain such a course as the high school board ( ) shall prescribe in agriculture, and either in home economics or in manual training, shall receive annually in addition to other aid, one thousand eight hundred (\$1,800) dollars, for maintaining such industrial courses. ('11 c. 91, amended '13 c. 96 § 1)

**2940. Same—Provisions applicable**—The provisions of law for the association of rural schools with such high or graded schools, and for the state aid on account of such association, and for the charging of tuition for non-resident students in attendance upon agricultural and industrial courses, in such state-aided schools, shall apply to high and graded schools receiving state aid under this act. This aid shall not be paid to any high or graded school receiving aid under any other act for industrial courses. ('11 c. 91, amended '13 c. 96 § 2)

**2941. Payment of aid to high and graded schools**—The state aid provided for high and graded schools under chapters 96 [2939, 2940], 267 [2937] and 298 [2933], Laws of 1913, shall be for the school year beginning August 1, 1913, and succeeding years, and shall be awarded to and paid to such high and graded schools as shall be found entitled to such aid. For the school year ending July 31, 1913, the state aid to high and graded schools, under sec. 1417, Revised Laws of 1905 [2933], and acts amendatory thereof; the state aid for teachers' training courses, under sec. 1420, Revised Laws of 1905 [2937]; and the state aid for courses in agriculture and other industrial subjects, under chapter 91, Laws of 1911 [2939-2940] shall be in amounts provided by said laws. ('13 c. 398 § 1)

**2942. What common schools may receive aid**—Districts which have maintained, for not less than eight months in the preceding school year, a school in charge of a teacher holding at least a first grade state certificate or a second grade state certificate and which have a suitable school building, library, and other apparatus and conveniences, and which are doing sufficient work, may receive state aid for each such year in said district. (R. L. § 1421, amended '09 c. 334 § 1)

**Historical**—By virtue of 1909 c. 334, § 2, repealing inconsistent acts, this amended section superseded 1905 c. 296 § 1.

See following section.

**2943. Same**—For the purpose of fixing state aid for common schools, said schools are hereby classified as follows: Districts employing a teacher holding at least a first grade certificate and maintaining school for not less than eight months in the school year, shall be known as class "A;" districts employing a teacher holding at least a second grade certificate and maintaining school for not less than eight months in the school year, shall be known as class "B;" districts employing a teacher holding at least a second grade certificate and maintaining school for not less than seven months in the school year, shall be known as class "C."

Districts coming under any one of these classes which have maintained a school the required number of months in the preceding school year, which have suitable buildings, library and other apparatus and conveniences, and comply with such rules as may be fixed by the superintendent of public instruction for maintaining an efficient school, may receive state aid for each such year in said district; provided that the aggregate attendance in days by children in either class of rural schools shall not be made a rule for granting such aid. (R. L. § 1421, amended '11 c. 60 § 1)

**Historical**—1911 c. 60 is entitled "An act to amend sections 1421 and 1423, Revised Laws of 1905, as amended by chapter 334, General Laws of 1909, relating to state aid to public schools." Section 1 enacts that "sections 1421 and 1423, chapter 334, General Laws of 1909" be amended, etc. See preceding section.

**2944. Application for aid to semi-graded and common schools**—Any district desiring aid for a semi-graded or common school may make application therefor to the county superintendent. If he approve the same, he shall indorse his approval thereon, and attach thereto his certificate that such school fully complies with the requirements of law and is entitled to such aid, and forward the same to the state superintendent. (1422)

**2945. Apportionment**—The state superintendent shall annually apportion to such semi-graded and common schools as he shall find entitled to state aid, the amount appropriated for such schools, in equal amounts to all schools of the same class, but no semi-graded school shall receive more than three hundred dollars, nor any common school in charge of a teacher holding a first grade state certificate more than one hundred and fifty dollars, nor any common school in charge of a teacher holding a second grade state certificate more than one hundred dollars, in any apportionment. The state superintendent shall certify to the state auditor a list of districts of each class to which such aid is apportioned, and the amount apportioned to each. Such amount shall be paid in the same manner as state aid to high schools. (R. L. § 1423, amended '09 c. 334 § 1)

**Historical**—By virtue of 1909 c. 334 § 2, repealing inconsistent acts, this amended section superseded 1905 c. 296 § 2. See note under § 2943.

**2946. Same**—The state superintendent shall annually apportion to such semi-graded and common schools as he shall find entitled to state aid, the amount appropriated for such schools, in equal amounts to all schools of the same class, but no semi-graded school shall receive more than three hundred dollars (\$300) nor any common school under class "A" more than one hundred and fifty dollars (\$150), nor any common school under class "B" more than one hundred dollars (\$100), nor any common school under class "C" more than seventy-five dollars (\$75) in any apportionment. The state superintendent shall certify to the state auditor a list of districts of each class to which such aid is apportioned, and the amount apportioned to each. Such amount shall be paid in the same manner as state aid to high schools. (R. L. § 1423, amended '11 c. 60 § 1)

See note under § 2943.

**2947. Appropriations, how paid**—The appropriations made by law in aid of high schools, graded schools, semi-graded schools and rural or common schools shall be paid in the following manner: On or before the first day of October in each year, it shall be the duty of the state superintendent of public instruction to deliver to the state auditor a certificate in duplicate for each class of schools in each county of the state entitled to receive the state aid expressly appropriated by law for such purposes. Upon the receipt of such certificate, it shall be the duty of the state auditor to draw his warrant upon the state treasurer in favor of the county treasurer for the amount shown by each certificate to be due to the several schools therein enumerated. The state auditor shall transmit such warrant or warrants to the county auditor, together with a copy of the certificate prepared by the superintendent of public instruction. ('05 c. 142 § 1)

Section 3 repeals inconsistent acts, etc.

**2948. Same—Duty of county auditor—School districts**—Upon receipt by the county auditor of the warrant and the certificate as stated in section one of this act, it shall be his duty to credit the several school districts with the amounts stated in said certificate, then charging the county treasurer with the aggregate amount so received, and forthwith deliver to the county treasurer the said warrant or warrants. The funds so credited to the several school districts shall be paid to the treasurers thereof in the same manner now provided by law for the payment of school funds to school district treasurers. ('05 c. 142 § 2)

#### SCHOOL LIBRARIES AND TEXT-BOOKS

**2949. Duty of state high school board**—The state high school board shall from time to time prepare and amend a list of books suitable for school libraries, including dictionaries and other books of reference, histories and

works of biography, literature, political economy, agriculture, travel and science. (R. L. § 1424, amended '13 c. 563 § 1)

1913 c. 563 § 3 repeals inconsistent acts, etc.

By section 4 the act takes effect September 1, 1913.

R. L. § 1426, as amended by 1909 c. 144 § 2, made an annual appropriation to carry out the provisions of R. L. §§ 1424, 1425 [2949, 2950]. See §§ 48, 49.

**2950. Statement by county superintendent—Duty of state superintendent—Agreement with public library—**Upon receiving from any district a certified statement, approved by the county superintendent showing the purchase of books specified and included in the list prepared under the foregoing section, the appointment of a librarian for each library, and the making of proper provisions for the care thereof and for the free distribution of books suitable for distribution, the state superintendent shall furnish such district a requisition on the state auditor for one-half the purchase price, not exceeding twenty dollars for the first year's purchase and ten dollars for any subsequent year for each separate school for which a library is so furnished:

Provided, first, that any school board may agree with the board of any approved public library for a specified period to become a branch of said public library and to receive therefrom library books suited to the needs of the pupils in the school and for the community. In the event of such agreement between the school board and the public library board, such school board may turn over the books of the school library other than those needed for reference in the school, to the public library and shall in case of such agreement annually pay to such public library, the sum to be expended by the school district for the purchase of library books, and any state library aid to which such school district is entitled. All books purchased by such public library from funds provided by district or state library aid shall be selected from the state list for school libraries. Any public library making agreement with school districts for library service as herein provided shall first be approved by the superintendent and the secretary of the public library commission, who shall make suitable rules governing relationship between school libraries and each public library co-operating under the provisions of this act. (R. L. § 1425, amended '13 c. 563 § 2)

See note under preceding section.

**2951. Text books—License to sell—Conditions—**Before any person, company, or corporation shall offer any school text book for adoption, sale, or exchange, in the state of Minnesota, said person, company or corporation shall, comply with the following conditions:

First. File a copy of such text book in the office of the state superintendent of public instruction, with a sworn statement of the usual list price, the lowest wholesale price, and the lowest exchange price, based on five-year adoption periods, at which said book is sold, or exchanged for an old book in the same subject of like grade and kind, but a different series, to any school board, school corporation or school text book commission anywhere in the United States.

Second. File with the state superintendent of public instruction a written agreement (1) to furnish said book or books to any school board in the state of Minnesota at the said lowest prices so filed, and to maintain said prices uniformly throughout the state. (2) To reduce such prices automatically in Minnesota whenever reductions are made elsewhere in the United States, and guarantee that at no time shall any book so filed by said person, company or corporation be sold in Minnesota at a higher price than is received for such book elsewhere in the United States. (3) That all text books offered for sale in Minnesota shall be equal in quality to those deposited in the office of the state superintendent of public instruction as regards paper, binding, print, illustrations, subject matter and all points that may affect the value of said text books.

Third. File with the state superintendent of public instruction a surety bond of not less than two thousand (\$2,000) and not more than ten thousand (\$10,000) dollars, said bond, in an amount to be fixed by the state superintendent of public instruction, shall run to the state of Minnesota, and be ap-

proved by the attorney general. Upon compliance with the foregoing conditions, said person, company or corporation shall be licensed to sell school text books in the state of Minnesota. ('11 c. 43 § 1)

Section 11 repeals R. L. §§ 1427, 1428.

**2952. Same—Failure to conform to agreement—Duties of county and state superintendents—Forfeiture of bond—**If in any case said person, company or corporation shall furnish to any district, books inferior in any particular to the samples on file with the state superintendent, or charge a higher price than was filed with the state superintendent or than the same are sold elsewhere in the United States, then it shall be the duty of the county superintendent on written complaint filed with him by the school board of such district, or of the city superintendent of a district having a state high school, or of the principal of schools of a district having a state graded school to inform the state superintendent of the failure of said person, company or corporation to comply with the terms of his contract. The state superintendent shall thereupon notify the said person, company or corporation of said complaint, and if said person, company or corporation shall disregard the notification and fail to comply immediately with the terms of agreement filed with the state superintendent, then the bond of said person, company or corporation shall be forfeited and the attorney general shall upon written request of the state superintendent proceed to collect the full amount of the bond of said person, company or corporation. ('11 c. 43 § 2)

**2953. Same—List of books and prices—Duties of state printer and superintendent—**It shall be the duty of the state printer to print and of the state superintendent of public instruction to distribute annually to the school authorities of the state, a complete list of the books thus filed with him giving the usual list price, the lowest wholesale price and exchange price of each; and all books used in the public schools of the state may be chosen from this list, and whenever the publisher shall prepare an abridged or special edition of any of his books listed with the state superintendent and shall supply such special edition elsewhere at a lower wholesale price than the wholesale price scheduled with the state superintendent, the publisher must agree to furnish such special edition at the wholesale price at which it is furnished elsewhere, so long as it is supplied at the said lower price anywhere outside of Minnesota; and it shall be understood that the bond given by the publisher shall cover this provision as to special edition. In case an action is brought upon such bond, the state, if successful, shall recover the full amount of the bond, which amount shall be paid into the state school fund. ('11 c. 43 § 3)

**2954. Same—Free text books—Contract—**The school board of any school district shall, when directed by a vote of the district, or when the board deems it advisable, provide for the free use of school text books by the pupils of their school or schools, or provide for the sale of them to pupils at cost. But no such adoption or contract shall be for less than three (3) or more than five (5) years, during which time such books adopted shall not be changed. ('11 c. 43 § 4)

**2955. Same—Question how submitted—**Whenever five or more legal voters of any common school district shall petition the school board to submit to such district the question of providing free text books to pupils attending its schools, it shall be the duty of such board to submit the same to the legal voters of such district. Such question may be submitted at a special meeting by giving ten days' notice thereof, or at any annual meeting. But in any case the notice of such meeting shall call attention to the fact that such question will be submitted, and in case a majority at such meeting shall vote in favor of such free text books, it shall be the duty of the board to provide the same. ('11 c. 43 § 5)

**2956. Same—Indigent pupils—**The school boards of each school district shall have authority to purchase all necessary books for indigent pupils and pay for the same out of the funds of the district. ('11 c. 43 § 6)

**2957. Same—Combination to control prices—Duty of attorney general—**If at any time any publisher shall enter into any understanding, agreement or combination to control the prices or to restrict competition in the adoption

or sale of school books, then the attorney general shall institute and prosecute legal proceedings for the forfeiture of the bond of said publisher and for the revocation of his license to sell school books in this state, and each and every contract made by said publisher under this article shall thereupon become null and void at the option of the other parties thereto. ('11 c. 43 § 7)

**2958. Same—Failure to place samples on file—Penalty—**Any publisher who shall sell or offer for sale or adoption in the state, school text books of any kind without first placing samples of the same on file with prices and obtaining a license therefor from the state superintendent of public instruction, shall be guilty of a gross misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars and not more than two thousand dollars. ('11 c. 43 § 8)

**2959. Same—State officials to be disinterested—Penalty for violation—**If the state superintendent of public instruction, his assistant or any employee connected with his office or any member of any school board who shall accept or receive any money, gift or any property, or favor whatsoever, from any person, firm or corporation offering for sale any text books, or any agent thereof, or from any person in any way interested in the sale of text books, shall, upon conviction, be punished by a fine not exceeding five hundred (500) dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. ('11 c. 43 § 9)

**2960. Same—Teachers, county and city officials to be disinterested—Penalty—**Any teacher in the public schools of Minnesota, or any county or city superintendent of schools, or any member of any school board or board of education, or any person or persons connected with the public school system of Minnesota in any capacity, who shall in any way be interested in the profits, proceeds or sale of any school text books used in the schools of Minnesota under his charge, or with which he is connected in any official capacity, shall be liable to a fine of not less than fifty (\$50) dollars, nor more than two hundred (\$200) dollars, provided that this shall not apply nor have reference to royalties or profits received by a person from the sale of school books of which he is himself the author. ('11 c. 43 § 10)

### TRAINING OF TEACHERS

**2961. Instrumentalities—**For the special training of teachers for the public schools, there are established: (1) Teachers' institutes; (2) training schools; (3) normal schools. (1429)

**2962. Institutes—Duty of state superintendent—**The state superintendent shall provide for teachers' institutes and training schools in the several counties of the state, for the instruction and training of teachers in professional and academic work. He shall designate the county or counties for which such institute or training school is to be held, and the time and place of holding the same, and assign instructors and lecturers therefor. Each institute shall continue for at least four days, and each training school not less than four nor more than six weeks. (1430)

**2963. Duties of county superintendents—**The superintendent of each county for which such institute or school is appointed shall give notice thereof to the teachers of his county, and shall attend and take part in the exercises, and make necessary arrangements therefor. (1431)

**2964. Use of schoolhouses—**The school board of any district in which any institute or training school is held shall allow the free use of any schoolhouse or schoolrooms for that purpose, upon ten days' notice of selection from the county superintendent: Provided, that such use shall not interfere with the sessions of school. (1432)

73-375, 76+43.

**2965. Appropriation by counties—**The county board of any county for which such institute or training school is appointed may appropriate therefor out of the county revenue fund a reasonable sum, to be expended by the county superintendent. Within one week after the close of such institute or school, the superintendent shall pay into the county treasury any unused

part of such appropriation, and shall file with the county auditor an itemized statement of the disbursement thereof, with proper vouchers. (1433)

**2966. Schools may be closed**—Any teacher may close his school for the purpose of attending any institute appointed for his county, and he shall be allowed to make up the time so lost upon presenting to the clerk of the district a certificate, signed by the county superintendent, attesting said teacher's attendance at the institute. (1434)

R. L. § 1435 made an annual appropriation for the support of institutes and training schools. See §§ 48, 49.

**2967. Normal schools**—The normal schools of the state shall be known as the "Winona State Normal School," the "Mankato State Normal School," the "St. Cloud State Normal School," the "Moorhead State Normal School," and the "Duluth State Normal School," respectively. (1436)

See 1913 c. 362, "An act to establish an additional normal school in northern Minnesota, and to provide for a commission to locate the same."

**2968. Model schools**—The normal school board may organize model schools in connection with each normal school, for illustrating methods of teaching and school government only. (1437)

**2969. Tuition**—There shall be no charge for tuition or incidental expenses to students in normal schools who file with the president of the school board a declaration of intention to teach in the public schools of the state for not less than two years after leaving such school. The board shall fix rates of tuition for other students, and for pupils in the model schools. (1438)

**2970. Normal school board**—The educational management of the normal schools is vested in a board of eight directors, who, with the state superintendent, shall constitute the normal school board. Such directors shall be appointed by the governor, subject to confirmation by the senate, for a term of four years. The governor shall in like manner fill for the unexpired term all vacancies in the board. There shall be one director resident in each county in which a normal school is located, and no two shall be residents of the same county. (1439)

See §§ 3060-3066.

**2971. Annual meeting and officers**—The annual meeting of the board shall be held on the first Tuesday in June. At such meeting it shall choose by ballot a president, whose term of office shall be for two years, and until his successor qualifies. In case of vacancy, the governor shall appoint one of the directors president until the next annual meeting, and until his successor qualifies. The state superintendent shall be secretary of the board. (1440)

**2972. Duties of board**—The board shall have the educational management, supervision and control of the normal schools, and of all property appertaining thereto. It shall appoint all presidents, ( ) teachers ( ) and other necessary employees therein, and fix their salaries. ( ) It shall prescribe courses of study, conditions of admission, prepare and confer diplomas, report graduates of the normal department, and adopt suitable rules and regulations for the schools. It shall, as a whole or by committee, visit and thoroughly inspect the grounds, buildings, modes of instruction, discipline and management of each school, at least once in each year. It shall report to the governor, ( ) on or before December 1 in every even numbered year, the condition, wants and prospects of each school, with recommendations for its improvement. (R. L. § 1441, amended '13 c. 436 § 1)

**2973. Report to state superintendent**—The president of each normal school shall make an annual written report to the state superintendent on or before September 1, covering the term year of his school, and setting forth its general statistics, enrolment in each department and in each class of the normal department, average attendance, the number graduating within the year, the number of teachers, the departments of each, and the general condition of its buildings, library, and apparatus, the number and names of all graduates then engaged in teaching, as far as known to him, and the district or county in which each is teaching, and such other matters and suggestions as he may deem of interest to the public, or conducive to the good of the school. (1442)

**2974. Compensation of board**—The directors shall be reimbursed for their actual expenses while engaged in duty for the normal schools out of the current funds belonging to such schools. (1443)

R. L. § 1444 made an annual appropriation for the normal schools. See §§ 48, 49.

**2975. Summer sessions at normal schools**—That there shall be held at each of the state normal schools in this state a summer session of twelve weeks each, under the direction of the state normal board. These summer sessions shall be a part of and in all respects be the same as the session now provided for by law. The provisions for attendance at these summer sessions shall be the same as those now in force and the arrangements of the terms in the school year shall be such as to most fully serve the welfare of rural schools. Provided, that said normal board may, in its discretion and when the interests of the state may be best subserved thereby, direct that a shorter session than twelve weeks be held at any of said schools. ('07 c. 164 § 1, amended '09 c. 112 § 1)

### COMPULSORY EDUCATION

**2976. Children to be sent to school**—Every person having under his control a child between the ages of eight and sixteen years shall send him to some school in which the common English branches are taught during the entire time the public schools of the district in which he lives are taught, unless such attendance is excused in whole or in part by the school board or board of education of such district, as hereinafter provided. (1445)

See note under § 2979.

**2977. Excusing attendance**—Such board may excuse such attendance when satisfied—

1. That the child is in such bodily or mental condition as to prevent his attendance at school or application to study for the period required.

2. That he is properly taught at home or elsewhere in the common branches.

3. That he has already acquired such branches.

4. That he is engaged in some useful occupation.

5. That there is no public school within reasonable distance of his residence.

6. That such person is unable, on account of poverty, to properly clothe such child. (1446)

See note under § 2979.

**2978. Duties of chairman**—The chairman of each school board shall investigate all cases of violation of the provisions of §§ 2976, 2977, and secure prosecutions therefor when proper. Any such officer neglecting to secure such prosecution within ten days after service on him by any taxpayer of the district of written notice of such offense, unless the person complained of is legally excused, shall be liable to a fine of not less than twenty dollars nor more than fifty dollars. (1447)

See note under § 2979.

**2979. Children must attend school—When excused—Record of excuses**—Every child between eight (8) and sixteen (16) years of age shall attend a public school, or a private school, in each year during the entire time the public schools of the district in which the child resides are in session; provided, that in districts where the entire term of school is of unequal length in different schools, such child shall be required to attend school as herein provided during at least the entire time of the shorter term.

Such child may be excused from attendance upon an application of his parent, guardian, or other person having control of such child, to any member of the school board, truant officer, principal, or city superintendent, for the whole or any part of such period, by the school board of the district in which the child resides, upon its being shown to the satisfaction of such board:

1. That such child's bodily or mental condition is such as to prevent his attendance at school or application to study for the period required; or

2. That such child has already completed the studies ordinarily required in the eighth grade; or

3. That there is no public school within reasonable distance of his residence, or that conditions of weather and travel make it impossible for the child to at-

tend; provided, first that any child fourteen (14) years of age or over, whose help may be required in any permitted occupation in or about the home of his parent or guardian may be excused from attendance between April 1 and November 1 in any year; but this proviso shall not apply to any cities of the first and second class; provided, second, that nothing in this act shall be construed to prevent a child from being absent from school on such days as said child attends upon instruction according to the ordinances of some church.

The clerk, or any authorized officer of the school board shall issue and keep a record of such excuses, under such rules as the board may from time to time establish. ('11 c. 356 § 1)

Section 8 repeals 1909 c. 400 §§ 1-4, and all other inconsistent acts and parts of acts. This act appears to supersede §§ 2976-2978.

**2980. Same—Duties of school board and teachers—**It shall be the duty of each school board, through its clerk or other authorized agent or employee, to report the names of children between six (6) and sixteen (16) years of age, with the excuses, if any, granted in such district, to the principal teacher thereof, within the first week of school, and any subsequent excuses granted shall be forthwith reported in the same manner. The principal teacher shall provide the teachers in the several schools under his supervision, with the necessary information for the respective grades of school, relating to the list of pupils with excuses granted. On receipt of the list of such pupils of school age and the excuses granted, the principal teacher in a common, semi-graded or consolidated rural school shall report the names of children not excused, who are not attending school, with the names and addresses of their parents, to the county superintendent of schools within five days after receiving the clerk's report. The several teachers in a state graded and state high school shall report to the principal or to the city superintendent, in like manner. ('11 c. 356 § 2)

**2981. Same—Duties of county superintendent, principals, etc.—Reports—Prosecutions—**The county superintendent of schools shall forthwith notify the parent, guardian or person in charge to send such child to school of whose unexcused absence he has been informed, and upon their neglect or refusal to comply with the notification, the county superintendent shall, upon receipt of information of such non-compliance, notify the county attorney of the facts in each case. The principal of a graded school, or the superintendent of a district maintaining a high school, or a city superintendent, shall proceed in like manner as provided in this section respecting the county superintendent of schools.

It shall be the duty of the principal teacher or other person in charge of any private school to make reports at such times and containing such information as is herein required, respecting public schools. Such reports shall be made to the county superintendent of schools in whose county such private school is located, except where such private school is located in a city or in a district maintaining a high school, or a graded school, such reports shall be made to the city superintendent of schools or to the superintendent or principal of the high or graded school.

The county superintendent, city superintendent, principal of graded school or superintendent of a district maintaining a high school, as the case may be, shall upon request of the county attorney make and file a criminal complaint against the person or persons neglecting or refusing to comply with the provisions of this act relating to the sending of a child or children to school, in any court in said county having jurisdiction of the trial of misdemeanors, and upon making of such complaint a warrant shall be issued and proceedings and trial be had as provided by law in cases of misdemeanors. All prosecutions under this chapter shall be conducted by the county attorney of the county wherein the offense is committed. ('11 c. 356 § 3)

**2982. Same—Failure to send children to school, etc.—Penalty—**Any person who shall refuse or fail to send or keep in school any child or children of whom he has legal charge or control, and who is required by law to attend school, when notified so to do as hereinbefore provided, and any person who induces or attempts to induce any child unlawfully to absent himself from school, or who knowingly harbors or employs while school is in session any child unlawfully

absent from school, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed fifty (50) dollars, or by imprisonment in the county jail for not more than thirty (30) days. ('11 c. 356 § 4)

See § 2989.

**2983. Same—Failure of officers, teachers, etc.—Penalty—**Any school officer, truant officer, teacher of a public or private school, graded school principal, city superintendent or county superintendent of schools refusing, wilfully failing, or neglecting to perform any duty imposed upon him by the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not to exceed ten (10) dollars, or by imprisonment in the county jail not to exceed ten (10) days. All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which such offense is committed. ('11 c. 356 § 5)

**2984. Same—Duties and powers of commissioner of labor—**The commissioner of labor and his assistants shall assist in the enforcement of the provisions of this act, and shall have authority to examine the excuses granted under this act, to make investigation into the causes for which excuses have been granted, and to revoke and cancel any that may be found to be granted without proper or sufficient cause. ('11 c. 356 § 6)

**2985. Same—School census—**A complete school census shall be taken in every school district, common, independent and special, between July 1 and October 1, of all children between six (6) and sixteen (16) years of age, which census shall show the name and date of birth of each person required to be enumerated, and the name and address of his parent, guardian or other person having charge. The school census shall be taken by the clerk or the school board, or by some other person or persons appointed by the school board. Such person or persons taking such census shall make two extra copies thereof, shall certify to the school board the correctness of the enumeration and the information therein contained. The clerk shall retain the original in his office, send one copy to the county superintendent, and one copy to the principal teacher, principal or city superintendent of the school district, before the first day of school of each school year, or as soon as said census has been taken. The compensation for taking said school census and making the extra copies thereof shall be three (3) cents for each pupil enumerated, as shown by the census list, except that in cities the school board shall fix the compensation for this work. The superintendent of public instruction and high school board are authorized and directed to withhold the special state aid from any school district which shall fail in any year to take the school census until such census has been taken, as herein provided for. ('11 c. 356 § 7, amended '13 c. 548 § 1)

**2986. Truant officers—**The board of any district may appoint and remove at pleasure truant officers, who shall investigate all cases of truancy or non-attendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and school regulations respecting truant, incorrigible, and disorderly children, and school attendance. Whenever any truant officer learns of any case of habitual truancy or continued non-attendance of any child hereby required to attend school he shall immediately notify the person having control of such child to forthwith send to and keep him in school. He may arrest without warrant and take to school any such child, and shall act under the general supervision of the board, or, when directed by the board, under that of the city or district superintendent.

He shall transmit annually on or before the first day of July, each year, to the state superintendent of public instruction, a report of the number of cases of truancy and non-attendance investigated by him and the disposition made in each case. Such officer shall receive a salary, fixed by the board appointing him, but no fees. (R. L. § 1448, amended '11 c. 284 § 1)

**2987. Truant schools—**Such boards may maintain ungraded schools for the instruction of children of the following classes between eight and eighteen years of age:

1. Habitual truants.
2. Those incorrigible, vicious or immoral in conduct.

3. Those who habitually wander about the streets or other public places during school hours, without lawful employment.

All such children shall be deemed disorderly and the board may compel their attendance at such truant school, or any department of the public schools, as the board may determine. (R. L. § 1449, amended '09, c. 400 § 5)

**2988. Commitment to state training school**—Whenever the board determines that the foregoing provisions have been found inadequate to secure the attendance at school of any such disorderly child, or that he is beyond proper control in the truant or other school to which he has been assigned, it shall direct the truant officer to make complaint to a court or magistrate having jurisdiction over misdemeanors in such district or city. Such court or magistrate shall thereupon issue a warrant for the arrest of such child, and proceed to a hearing on such complaint, and if, upon such hearing, the court or magistrate shall decide that such child is disorderly and beyond the proper control of the schools of the district, and under seventeen years of age, he shall sentence him to the state training school; but, in case of a first conviction, the court, in its discretion, may suspend the sentence. (R. L. § 1450, amended '09 c. 400 § 5)

**2989. Penalty**—Any person who shall fail or refuse to send to or keep in school any child of whom he has legal charge or control, and who is required by law to attend school, when notified by a truant officer so to do, and any person who induces or attempts to induce any such child unlawfully to absent himself from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed fifty dollars, or by imprisonment in the county jail for not more than thirty days. All such fines, when collected, shall be paid into the county treasury for the benefit of the school district in which such offence is committed. (1451)

See § 2982.

#### FARMERS' INSTITUTES

**2990. Board of administration—Superintendent**—The board of administration of farmers' institutes shall consist of six members, three of whom shall be regents of the university, selected by and holding office at the pleasure of the board of regents, and the remaining three, at the time of their taking office, shall be the presidents, respectively, of the state agricultural society, the state dairy association, and the state horticultural society; and they shall serve for three years, and until their successors qualify. When the term of any of the last three mentioned members expires, he shall be succeeded on the board by the person then president of the organization through which he became a member. The board shall elect from among its number a president and a secretary, and from outside its number a superintendent, whose term of office shall be two years, but who may be removed at the pleasure of the board. He shall receive a salary of fifteen hundred dollars per year, and his expenses necessarily incurred in the performance of his duties. (1452)

**2991. Duties of the board**—The board shall arrange the institute circuits to be held annually, determine where and when the institutes shall be held, audit the accounts of the superintendent at the close of each fiscal year, such auditing to be final, and file them with the state auditor, and publish annually a handbook of practical agriculture, entitled "Farmers' Institute Annual," for free distribution among the farmers of the state. The expense of this publication shall be met from the annual appropriation hereinafter made. (1453)

This section prevails over the inconsistent provisions of § 4937 (115-446, 132+915).

**2992. Institutes, their character and object**—The dissemination of practical knowledge concerning agriculture, horticulture, and stock and dairy farming shall be the sole objects of the institutes. They shall be held at times and places most convenient to the farmers, and each meeting shall occupy from one to three days, with sessions mornings, afternoons, and, when practicable, evenings. All sessions shall be free and public, and shall consist of practical lectures on subjects pertaining to farm and home, with addresses, discussions, and illustrations of methods adapted to our agriculture. (1454)

**2993. Superintendent's duties**—The superintendent shall assist the board in arranging institute circuits, superintend the several institutes, engage instructors

therefor, examine all bills for expenses and services payable out of appropriations for such purposes, and at the end of each fiscal year make a detailed report to the board of all institutes held under his direction, including therein the items of such expenses and services. (1455)

**2994. Standing appropriation**—The sum of eighteen thousand dollars is hereby annually appropriated for the purposes of such institutes. No warrant shall be issued for such purpose unless the claim be approved by the superintendent and by the president of the board. The average cost of the institutes for the necessary traveling expenses and board of the instructors, and their compensation, shall not exceed one hundred and fifty dollars, the expenses incurred in preliminary work not included. No money shall be spent for hall rent, fuel, lights, local advertising, or for the compensation of instructors other than those regularly employed. Expenses as allowed in this chapter for carrying on the institute work of the board, when made prior to August 1 in any calendar year when the legislative appropriation for said year has been exhausted, may be paid from an appropriation already made and to become due on said August 1, and shall not be construed as creating a deficiency. (1456)

As to repeal of standing appropriations, see §§ 48, 49.

### ACTIONS AND JUDGMENTS

**2995. Actions by districts**—Any school board may prosecute actions in the name of the district in the following cases:

1. On a contract made with the district, or with the board in its official capacity;
2. To enforce a liability, or a duty enjoined by law, in its favor or in favor of the district;
3. To recover a penalty or forfeiture given by law to it or to the district; or
4. To recover damages for an injury to the rights or property of the district. (1457)

**2996. Actions against districts**—An action may be brought against any school district, either upon a contract made with the district or its board, in its official capacity, and within the scope of its authority, or for an injury to the rights of the plaintiff arising from some act or omission of such board, whether the members of the board making the contract, or guilty of the act or omission complained of, be still in office or not. (1458)

35-309, 29+135; 49-106, 51+814; 54-385, 55+1112, 40 Am. St. Rep. 340; 79-14, 81+533; 82-516, 85+518; 91-41, 97+416; 93-409, 101+952.

**2997. Judgment paid by treasurer**—Except as hereinafter provided, no execution shall issue upon any judgment against a school district for the recovery of money. Unless the same be stayed by appeal, the treasurer shall pay such judgment, upon presentation of a certified copy thereof, if he has sufficient money of the district not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection be afterward stayed. (1459)

39-298, 300, 39+801; 43-495, 45+1097.

**2998. Failure to pay—Tax levy**—If such judgment is not satisfied, or stayed by appeal or otherwise, before the next annual meeting of the district, a certified copy thereof may be presented at its annual meeting, whereupon the district shall cause the amount of the judgment, with interest, to be added to the tax of said district. If such tax is not levied and certified to the county auditor on or before October 1 next after presentation as aforesaid, a certified copy thereof may be filed with such auditor at any time before he has extended the tax of such district, with an affidavit showing the amount remaining unpaid thereon, and the fact of such presentation to the district. Thereupon the auditor shall at once levy and extend such amount as a tax upon the property taxable within the district. (1460)

**2999. When execution may issue**—If the judgment is not paid within thirty days after the time when the proceeds of such levy become payable by the county treasurer of the district, execution may be issued thereon, to which any property belonging to the district shall be liable. (1461)

3000. **Action when trustees resign, etc.**—In case the trustees of any school district which has contracted an indebtedness shall remove or resign, and none are elected or appointed in their stead, an action to recover such indebtedness may be begun by service of the summons upon the county auditor, and any taxpayer of the district may defend such action in its behalf, or the auditor may be required by the voters of the district to defend the same upon being indemnified against the costs and expenses of such defence. (1462)

3001. **Judgment, how satisfied**—If judgment is recovered in any such action, the auditor, upon a certified copy thereof being filed with him, shall levy and extend upon and against the property taxable within the district an amount sufficient to pay the same, with interest. When such tax, or any part thereof, is collected, the county treasurer shall pay the same to the holder of the judgment until it is satisfied in full. And for this purpose the treasurer may use any money coming into his hands from taxes levied prior to the judgment for the payment of the same indebtedness. (1463)

#### STATE ART SOCIETY

3002. **Objects—Membership—Reports**—The Minnesota state art society shall advance the interests of the fine arts, develop the influence of art in education, and foster its introduction into manufacturers, and all moneys and property received by it shall be devoted solely to those ends. The society shall have a seal, and shall report in writing annually to the governor. Its membership shall consist of a governing board and of honorary, life, and annual members, to all of whom certificates of membership shall be issued. No member shall receive compensation as such. A suitable room in the capitol shall be furnished to the society for its meetings and as a depository for its property. The works of art acquired by the society shall be the property of the state. (1464)

3003. **Governing board**—The governing board of the society shall consist of the governor and the president of the state university, as ex officio members, and seven other members, appointed by the governor by and with the advice and consent of the senate, each for the term of four years and until his successor qualifies. Included among such appointees there shall at all times be four artists or connoisseurs of art, one architect, one person prominently identified with education, and one directly interested in manufactures. The art workers' guild of St. Paul, the fine arts society of Minneapolis, and the art committee of the Minnesota federation of women's clubs may submit lists of names to the governor from which he may make these appointments. Vacancies shall be filled, within one month, by like appointment for the unexpired terms, from the classes to which the retiring members belonged. (1465)

3004. **Organization, powers and duties**—The board shall elect a president, a vice-president, a secretary and a treasurer, who shall also be such officers of the society; the last two offices may be held by the same person. Four members shall constitute a quorum. The board may adopt by-laws and rules for the transaction of its business and the government of the society, hold and manage its gifts, bequests, and property, and do all things necessary to the performance of the duties prescribed in this subdivision. It may confer prizes, mentions, medals, and diplomas for works of art in painting, sculpture, architecture, and manufacture when in competition under its rules; and it shall act as an advisory committee in the selection of works of art purchased by the state, and of designs for state public buildings. (1466)

3005. **Membership**—Any person who has rendered notable service in the promotion of the cause of art in this state, may, if elected by the governing board, become an honorary member of said society. Upon recommendation of the governor, or of four honorary members, and the payment of a fee of \$100, any person, if elected by the society, shall be entitled to life membership therein. Upon recommendation of a member of the board, or of an honorary member, and the payment of a fee of \$1, any person, if elected by

the society, shall be entitled to annual membership therein. (R. L. § 1467, amended '07 c. 422 § 1)

1907 c. 422 § 2 repeals inconsistent acts, etc.

**3006. Standing committees—Powers and general duties—**The following committees, of three members each, shall be appointed by the board from among its appointed members: (1) An art lectureship committee, which shall provide an annual course of lectures on art or kindred subjects, to be delivered in whole or in part before the students of the state university, the agricultural school, the normal schools in turn, and the state teachers' association; this committee shall advise with the officers of state educational institutions and superintendents of public schools as to courses in drawing, design, and art; (2) an exhibition committee, consisting of artists or judges of art, who shall provide an annual art exhibit, no two of which shall be held successively in the same city, of paintings, sculpture, drawings, carvings, pottery, tiling, cabinet work, wrought metal designs, exhibits of textile fabrics, and all art craft which in the judgment of the society tends to enhance the beauty and value of home manufactures; and (3) an art collection committee, which shall take charge of all works of art acquired by the society, and which, upon consent of the board, may purchase works of art whenever there shall be a sufficient surplus in the treasury, and may lend any or all of such collection in different parts of the state, according to the rules of the board. (1468)

**3007. Annual exhibit—**At each annual exhibit prizes shall be offered out of any moneys appropriated therefor to an amount determined by the board for the best original work done by a citizen of the state. Such prizes shall be given for paintings, sculptures, decorative designs, architectural drawings or models, and manufacturing designs or products. No work of art shall be exhibited unless it has been accepted by the exhibition committee. No member of such committee, and no relative by blood or marriage of any such member, shall be eligible to any such prize. (1469)

#### STATE AGRICULTURAL SCHOOL AT MORRIS

**3008. Acceptance of Morris Indian school lands—**The state of Minnesota does hereby accept from the United States the following described property, known as the Indian school at Morris, Minnesota, and more particularly described as follows, to-wit: All those several tracts and parcels of land situate, lying and being in the county of Stevens and state of Minnesota, and described as follows: The northeast quarter of the southwest quarter of the southwest quarter; the northwest quarter of the southwest quarter; the northeast quarter of the northwest quarter of the southwest quarter; the northwest quarter of the southwest quarter of the southwest quarter; the southeast quarter of the northwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five north, range forty-two west, containing eighty acres. Beginning at the quarter post, being the southwest corner of the northwest quarter of section thirty-one, township one hundred and twenty-five north, range forty-one west of the fifth principal meridian; running along the county road (Morris, Minnesota, to Glenwood, Minnesota), or along the established line of the said county road, running from said quarter post north sixty-three degrees and thirty minutes, east one and fifty-six one-hundredths chains; thence north sixty-one degrees, east eight and thirteen one-hundredths chains; thence north eighty-seven degrees and twenty-five minutes, east seven and seven one-hundredths chains; thence north sixty-nine degrees and thirty minutes, east fourteen and eighty-five one-hundredths chains; thence north seventy-seven degrees, east twenty-seven chains; thence leaving the said county road and running north twenty-five chains to a point on the north boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, fifteen chains east of the northeast corner of the northwest quarter of said section thirty-one, township one hundred and twenty-five, range forty-one; thence west along the said north boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, to the northwest corner of the northwest quarter of section thirty-one, township one hundred and twenty-five, range forty-one; thence south

along the west boundary line of said section thirty-one, township one hundred and twenty-five, range forty-one, to the place of beginning, except twelve and nine-tenths acres of land owned by the Northern Pacific Railroad Company, being used for railroad right of way and special snow fence purposes. Also all that part of the east half of the southwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five north, range forty-two west of the fifth principal meridian, in Stevens county, Minnesota, lying south of the county road from Morris to Cyrus, Minnesota, containing fifteen acres. And beginning at the northwest corner of the southeast quarter of section thirty-six, township one hundred and twenty-five, range forty-two; thence south eleven and five one-hundredths chains, east three and sixteen one-hundredths chains, south two and fifty-seven one-hundredths chains, to the Cyrus and Morris public road; thence easterly along the north line of said road to a point on the east line of the northwest quarter of the southeast quarter of section thirty-six, seven and twenty-five one-hundredths chains south of the northeast corner of the northwest quarter of the southeast quarter of section thirty-six; thence north seven and twenty-five one-hundredths chains to said northeast corner; thence west to the place of beginning containing twenty-two and one-half acres. And the south half of the south half of the northwest quarter of the northwest quarter of the southwest quarter of section thirty-six, township one hundred and twenty-five, range forty-two, containing two and one-half acres. And lot numbered three of county subdivision of unplatted part of east half of section thirty-five, township one hundred and twenty-five, range forty-two, containing eight and seventy-five one-hundredths acres, described as follows: Commencing at a point on the north side of the county road leading from Morris to Cyrus, Minnesota, six hundred and eighty-eight feet from the southeast corner of section thirty-five, township one hundred and twenty-five north, range forty-two west; thence north eight hundred and eighty-seven feet, west four hundred and forty feet, south six hundred and forty-six feet; thence southeast three hundred and ninety-one feet to said county road; thence northeast along said county road two hundred and thirty-two feet to the place of beginning. Aggregating two hundred and ninety acres, with buildings, improvements and other appurtenances thereon. ('09 c. 184 § 1)

**Historical**—Section 3 recites that the act of acceptance is passed pursuant to the provisions and conditions of "A bill transferring the Indian school at Morris, Minnesota, to the state of Minnesota for an agricultural school," being Calendar No. 713, S. 7472, 60th Congress, 2d Session of the United States.

Section 4 provides that the state of Minnesota, by the secretary of state, shall file with the secretary of the interior a certified copy of this act prior to July 1, 1909.

See 1911 c. 159, being "An act authorizing the sale of certain lands of the state agricultural school at Morris, Minnesota, and the purchase of other lands adjacent to the lands of said school not authorized to be sold."

**3009. Same—Agricultural school—Admission of Indians**—The said lands and buildings described in section 1 [3008] hereof shall be held and maintained by the state of Minnesota as an agricultural school, and Indian pupils shall at all times be admitted to said school free of charge for tuition and on terms of equality with white pupils. ('09 c. 184 § 2)

#### STATE UNIVERSITY

**3010. Board of regents**—The government and general educational management of the state university is vested in a board of twelve regents consisting of the governor, the state superintendent, the president of the university, ex-officio, and nine other regents appointed by the governor by and with the advice and consent of the senate. Such board shall be a body corporate under the name of the University of Minnesota. It shall have a common seal and alter the same at pleasure (3904–3905). The appointed members of the board, each to serve until the first Wednesday in March of the year set opposite their names respectively, shall be as follows: James T. Wyman, 1908. S. G. Comstock, 1908. A. E. Rice, 1909. Thomas Wilson, 1909. D. R. Noyes, 1910. E. W. Randall, 1910. Benjamin F. Nelson, 1910. Sidney M. Owen, 1913. William Mayo, 1913. From and after the expiration of the terms of the aforesaid appointed members, no appointed member of the board

shall, during the term for which he is appointed, hold any other office, elective or appointive, under the state of Minnesota. (R. L. § 1470, amended '07 c. 105 § 1)

The numerals in parenthesis in the body of above section refer to Gen. St. 1894, and were carried into the amendatory act of 1907 at the time of its passage.

See §§ 3060, 3061.

104-359, 116+650.

**3011. Term of office—Vacancies—**The term of office of the regents shall be six years, and until their successors qualify, beginning on the first Wednesday in March succeeding their appointment. Any appointment to fill a vacancy shall be for the unexpired term. (1471)

**3012. Officers—Meetings—Bonds—**The board shall elect one of its members as president, and also a recording secretary and treasurer, neither of whom may be a regent, and in its discretion it may elect a vice-president. They shall hold office during the pleasure of the board. The annual meeting shall be held on the second Tuesday in December. Such special meetings may be held as the board may direct. Before entering upon the duties of his office, the president shall file with the secretary of state a bond to the state in the sum of ten thousand dollars, and the treasurer a bond in the sum of fifty thousand dollars, both to be approved by the governor, conditioned for the faithful performance of the duties of their respective offices. (1472)

**3013. Duties of board—**The board shall enact by-laws for the educational government of the university, and shall elect proper professors, including a professor in Scandinavian language and literature, teachers, officers, and employees, and fix their salaries and terms of office, determine the moral and educational qualifications of applicants for admission, prescribe text-books and authorities and courses of study, and, in their discretion, confer such degrees and diplomas as are usual in universities. It shall have supervision and control of the agricultural experiment station, and of the experimental tree station, and, with the advice of the president and secretary of the state horticultural society, shall appoint a superintendent of such tree station, who shall report to the board as it may direct, and to such society annually in person at its winter meeting. (1473)

By 1907 c. 101, the state assented to the grants of money authorized by an act of congress entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereon." See 1907 c. 12.

The board is by law exclusively vested with management of all educational affairs of the institution, and the courts have no jurisdiction to control its discretion; but, if the board refuses to perform any of the duties imposed upon it, mandamus lies (104-359, 116+650).

**3014. Surveys and reports—**It shall continue until completed all surveys and statistics as now provided by law, and make annual reports thereof to the governor, on or before the second Tuesday in December, showing the progress of the work, with necessary and proper maps, drawings, and specifications, and shall lay the same before the legislature. Upon the completion of any separate portion of such surveys, it shall prepare a final report, embodying all important matters relating to such portion, and submit the same in like manner, and, upon final completion of any survey, shall in like manner make a final report thereof. (1474)

**3015. Specimens—**The board shall cause proper collections, skillfully prepared, secured, and labeled, of all specimens discovered or examined in such surveys, to be preserved in the university, in convenient rooms, and in charge of a scientific curator, for free public inspection. It shall also prepare duplicate collections for each state normal school, and for exchange with the Smithsonian Institution and with other universities and scientific institutions. (1475)

**3016. Report of board—**On or before the second Tuesday in December, the board shall make an annual report to the governor, showing in detail the progress and condition of the university during the preceding university year, its wants, the nature, cost, and result of all improvements, experiments and investigations, the number and names of professors, teachers, and students in each department, the amount of money received and disbursed, and such other matters, including industrial and economic statistics, as it may deem important. A copy of such report shall be transmitted to each college or

university endowed by act of congress, and to the secretary of the interior. (1476)

**3017. Power to accept bequests, etc.**—The University of Minnesota may accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes, and may hold, manage, invest, and dispose of the same, and the proceeds and income thereof, in accordance with the terms and conditions of such gift, grant, bequest, or devise, and of the acceptance thereof; and any person or persons contributing not less than fifty thousand dollars to the university may endow a professorship therein, the name and object of which shall be determined by the board. (1477)

See note under § 3018.

**3018. Gift or bequest—How used**—If the purposes of such gift, grant, devise or bequest are not otherwise limited by the donor the University of Minnesota may use the same or the proceeds thereof for any of the purposes of the university, and may, among other things, construct buildings and acquire land. In case it is desired to use the same for the acquisition of land the power of eminent domain may be exercised either in accordance with sections 4085 to 4091, inclusive, General Statutes 1894, or chapter 41 of the Revised Laws 1905. ('05 c. 187 § 2)

Section 1 is identical in language with R. L. § 1477 [3017].

The provisions of R. L. 1905 c. 41 are included in chapter 41 hereof.

**3019. Funds to be deposited in state treasury**—All such gifts, grants, bequests, and devises, and the proceeds and income therefrom, and all securities pertaining thereto, shall be deposited in the state treasury for the use of the university, and subject to its order. (1478)

**3020. Organization**—The university shall comprise: (1) A college of science, literature and arts; (2) a college of agriculture, including military tactics; (3) a college of mechanic arts; (4) a college or department of law; (5) a college or department of medicine; (6) a college or department of dentistry. (1479)

See 1911 c. 8, being "An act to appropriate money to the department of agriculture of the University of Minnesota for the purpose of purchasing timothy, clover and redtop seed for settlers' lands, and for experimental purposes on state lands, burned over in part or in whole by the forest fires in the year 1910, and to provide for the manner of its distribution."

**3021. Sectarian instruction prohibited**—In the selection of professors, instructors, officers and assistants of the university, in the studies and exercises, and in the management and government thereof, no partiality or preference shall be shown on account of political or religious belief or opinion, nor shall anything sectarian be taught therein. (1480)

**3022. Duties of president**—The president of the university shall be president of the general faculty and of the faculties of the several colleges or departments, and the executive head of the university in all its departments. Subject to the board of regents, he shall give general direction to the practical affairs and scientific investigations of the university, and, in the recess of the board, may remove any employee or subordinate officer, not a member of the faculty, and supply for the time any vacancy among such employees and officers. He shall be ex officio corresponding secretary of the board of regents, and may be charged with the duties of one of the professorships. (1481)

**3023. Reports of president**—On or before the second Tuesday in December of each year, he shall make a report to the state superintendent, showing in detail the progress and condition of the university during the previous university year, the number of professors and students in each department, and such other matters relating to the educational work of the institution as he shall deem useful, or as the state superintendent may require. He shall also at the same time report to the board of regents the progress and condition of the university during the same time, the nature and results of all important experiments and investigations, and such other matters, including industrial and economic facts and statistics, as he may deem useful, or as such board may require. (1482)

**3024. Standing appropriation, etc.**—There is hereby annually appropriated for the general maintenance of the university:

1. The interest and income of the permanent university fund, arising from the sale of lands granted to the state by act of congress entitled "An act donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, or from any other source.

2. The proceeds of twenty-three one-hundredths mills on the dollar of the state school tax.

The lands granted by the general government to the state to aid in the development of brines, and known as the state salt lands, and those granted by an act of congress entitled "An act granting lands to the state of Minnesota in lieu of certain lands heretofore granted to said state," approved March 3, 1879, and the funds arising from their sale, are hereby appropriated for the completion of the geological and natural history survey. (1483)

As to repeal of standing appropriations, see §§ 48, 49.

**3025. Same—School of mines**—The following sums are hereby appropriated annually, out of the state treasury: For the support of the school of mines of the state university, five thousand dollars. For the salaries of instructors in said school of mines and for the salary of a professor of electrical engineering in said university, forty-five hundred dollars. (1484)

**3026. School of agriculture at Crookston**—There shall be established at or near the city of Crookston, in the county of Polk, under the direction and educational supervision of the board of regents of the University of Minnesota, a school of agriculture, which shall be a department of the University of Minnesota, under such name and designation as the board of regents may determine, and wherein shall be taught such studies and branches of learning as are related to agriculture and domestic economy. ('05 c. 132 § 1)

**3027. Agricultural extension and home education**—The board of regents of the University of Minnesota is hereby authorized and directed to establish a division of agricultural extension and home education in the department of agriculture of the University of Minnesota. ('09 c. 440 § 1)

**3028. Same—Purposes of work**—The purpose and work of said division shall be to devise and prescribe comprehensive elementary courses in the various phases of husbandry; to teach such courses to all persons in the state desiring instruction in them or any of them, in accordance with sections 4 [3030] and 5 [3031] of this act, by means of correspondence with them at their homes; by providing local lectures, demonstrations, instructions and any information calculated to elevate agriculture to a higher economic and social plane and make country life more attractive and to publish frequent home education bulletins which shall give in plain and practical form the results of the experiments and investigations of the various divisions of the state experiment station and sub-stations of the University of Minnesota and such other information as may be useful in any farm home. ('09 c. 440 § 2)

**3029. Same—Officers—Duties**—That the officers of said division shall be a chief, who shall have general oversight and immediate charge of the work of said division; associates consisting of the chiefs of the divisions of investigation and instruction in the department of agriculture of the University of Minnesota who shall serve in an advisory capacity; an editor who shall edit and prepare for publication such material as the chief of the division may direct, and such other faculty, assistants and clerks as may be needed for the greatest usefulness of said division. ('09 c. 440 § 3)

**3030. Same—Free instruction**—That all persons who reside in the state of Minnesota shall have the right to take free of charge any courses of instruction offered in the division of agricultural extension and home education as provided for in section 2 [3028] of this act, and shall be subject to such rules and regulations as said division of agricultural extension and home education shall establish under the authority and direction of the board or regents of the University of Minnesota. ('09 c. 440 § 4)

**3031. Same—Bulletins—**The home education bulletins authorized by this act shall be sent free to all persons resident within the state who shall request said bulletins to be sent to them. ('09 c. 440 § 5)

**3032. Same—Appropriation—Rooms—**The sum of fifty thousand dollars is hereby set aside and appropriated to the University of Minnesota for the purpose of establishing said division of agricultural extension and home education in agriculture and husbandry, and maintaining the same and defraying any expenses incident to the establishment, maintenance and operation of same, and said division shall be furnished free rooms for their work at and in connection with the department of agriculture of the University of Minnesota at St. Anthony Park, St. Paul, and said sum shall be expended by the board of regents of the University of Minnesota for said purposes during the college years beginning in September of 1909 and 1910. ('09 c. 440 § 6)

**3033. Same—Farmers' institutes—**The board of regents shall co-operate, if it seems advisable, with the board of administration of the state farmers' institutes in carrying on the educational work provided for in this act. ('09 c. 440 § 7)

**3034. Fruit breeding farm—**There is hereby appropriated out of money in the state treasury not otherwise appropriated, the sum of sixteen thousand dollars, or as much thereof as may be necessary, for the purchase of a fruit breeding farm for the state university by the board of regents of the state university as hereinafter provided. ('07 c. 334 § 1)

Section 2 made an annual appropriation. See §§ 48, 49.

**3035. Same—Selection of site—**As soon as may be after the passage of this act, the board of regents of the state university shall select a fruit farm which shall meet with the approval of the executive board of the Minnesota state horticultural society as being well adapted for fruit breeding purposes. ('07 c. 334 § 3)

**3036. Same—Visitors' committee—Annual report—**The executive board of the Minnesota state horticultural society is hereby required to appoint a committee of two suitable persons to visit said fruit breeding farm, at least once in each year, to examine the fruit breeding work being done there, and to report on the progress of such work to the Minnesota state horticultural society and board of regents of the state university, together with such recommendations for the future conduct of said farm as may seem to them best. ('07 c. 334 § 4)

**3037. Sub-experiment and demonstration farms at Duluth and Waseca—**That there shall be established by the board of regents of the University of Minnesota at or near the city of Duluth, in the county of St. Louis, State of Minnesota, a sub-experiment and demonstration farm, and also at or near the city of Waseca in the state of Minnesota a sub-experiment and demonstration farm, each to be under the direction of the board of regents of the University of Minnesota and under such name and designation, as the board of regents may determine, wherein shall be taught by practical demonstration the best methods of clearing cutover timber land, the growing of field and garden crops, marketing said crops, the breeding, feeding and caring of dairy cows and other farm animals, butter making, producing of sanitary milk, farm and farm home management and such other subjects relating to farm life and farm practice as the board of regents may from time to time recommend. ('11 c. 142 § 1)

Section 2 made an appropriation.

**3038. Grain testing laboratory at agricultural college—**That there shall be equipped and maintained under the direction and authority of the board of regents of the state university in some suitable building now situated upon the campus of the agricultural college at St. Anthony Park, a laboratory for the purpose of testing wheat and other grain as to their physical and chemical properties and commercial value, and for the testing of flour made from wheat so tested as to its bread-making qualities. ('09 c. 199 § 1)

**3039. Same—Tests, how made—Monthly bulletin—**Such tests shall be made by competent instructors in chemistry who are now or who may be

hereafter employed as such instructors at the said college of agriculture, and these tests shall be so made as to be educational in character and the results thereof shall be published in the regular monthly bulletin, or in a special bulletin if deemed necessary. Provided, that all tests asked for and requested by the state railroad and warehouse commission, the grain inspection department, and the state grain inspection boards (boards of appeals) shall be made free of charge. ('09 c. 199 § 2)

**3040. Demonstration and experiment forest**—Whereas, the honorable secretary of the interior of the United States has been duly authorized by act of congress to convey to the state of Minnesota certain lands situate in the Fond du Lac Indian reservation in the county of Carlton in said state, subject to all then outstanding contracts for the sale of timber thereon, upon receipt by said secretary of the interior of the sum of one dollar and twenty-five cents per acre, to him paid by any person or persons on behalf of said state of Minnesota, and

Whereas, congress has removed all restrictions on alienation as to any Indian allottee, or allotment embraced in certain adjoining tracts on said reservation, in order that said allotments might be conveyed to the said state of Minnesota, and

Whereas, said lands by reason of their favorable location, the nature of their soil, and the growth of young timber thereon, are specially adapted for a forest practice ground, demonstration forest and experiment station for the students of the forestry department of the University of Minnesota.

Whereas, certain citizens of Minnesota are desirous of paying said sums of money to said secretary of interior, so that certain said lands may be presented as a free gift to the state of Minnesota, to be used for the purposes for which they are specially adapted, as above recited,

Now, therefore, to the end that said tract may be investigated and accepted by the state of Minnesota, the board of regents of the state university is hereby fully authorized and directed and empowered to examine said tract of land, or to cause the same to be examined in such manner as shall seem to them proper, and if in their judgment said lands shall be found suitable and proper for the purposes hereinbefore recited, and shall be free from private holdings and subject only to said prior rights to cut certain timber therefrom and shall be in a solid body, and amount to not less than two thousand and two hundred acres, the said board of regents is hereby fully authorized and directed to accept said tract of land, for and in behalf, and in the name of the state of Minnesota, subject only to said right of cutting certain of said grown timber now thereon, and subject to the further condition that said timber shall be cut at such times and upon such terms and conditions as to said board of regents seems practical and best adapted to promoting the use of said land for forestry purposes. ('09 c. 131 § 1)

Section 4 makes appropriations for the establishment, care, and maintenance of such forest experiment station and for the purchase of certain Indian allotments.

**3041. Same—Duty of attorney general**—The attorney general is hereby directed to assist said board of regents in securing said tract of land whenever requested so to do, and to act for the state in obtaining title whenever it may be desirable to do so. He shall also pass upon the title to all land which may come to the state in this way, and see to it that the state has good and indefeasible title therein. ('09 c. 131 § 2)

**3042. Same—Duty of regents**—The board of regents of the state university is hereby directed to manage said university forest as a practice ground, demonstration forest and experiment station for the students of the forestry department of the University of Minnesota. ('09 c. 131 § 3)

**3043. County agricultural agents—Appropriation**—There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of twenty-five thousand (\$25,000) dollars for the fiscal year ending July 31, 1914, and the sum of thirty-five thousand (\$35,000) dollars for the year ending July 31, 1915, for the purpose of aiding in the maintenance and the payment of the expenses of county agricultural agents. ('13 c. 376 § 1)

**3044. Same—Powers of dean of department of agriculture**—The moneys so appropriated are to be expended under the direction of the dean of the de-

partment of agriculture of the University of Minnesota, who is hereby empowered to carry out the provisions of this act. ('13 c. 376 § 2)

**3045. Same—State aid to counties—**The moneys hereby appropriated are to be used in amounts not to exceed one thousand (\$1,000) dollars for any one year for any one county in the state, and shall be used in counties which first meet the requirements as set forth in this section of this act. To secure this state aid, the county shall have raised locally at least one thousand (\$1,000) dollars, for the support of a county agricultural agent for one year, and shall give suitable assurance to the dean of the department of agriculture of the University of Minnesota that a like sum will be raised for a second year. Further, each county securing this aid shall through its board of county commissioners, agree to the employment of an agricultural agent approved by the said dean, and who will meet the requirements of the United States department of agriculture prerequisite to the giving of aid to said county by the United States department of agriculture for the employment of a county agricultural agent. ('13 c. 376 § 3)

**3046. Same—Appropriations by counties—**Each and every county of the state of Minnesota is hereby authorized and empowered to appropriate annually not to exceed one thousand (\$1000) dollars for the maintenance, support and expenses of a county agricultural agent, and said counties are authorized to set apart and appropriate said sum of money subject to the order of the said dean of the department of agriculture of the University of Minnesota, and to be paid upon such order, and only upon such order, for the salaries of said county agricultural agents and such further employees as may be employed by him within the appropriations available and other expenses incident to the work of such agents. ('13 c. 376 § 4)

**3047. Same—Co-ordination of work—**This appropriation and these regulations are made for the purpose of establishing a co-ordination of the work of the federal government, the state and the counties, under the direction of the dean of the department of agriculture of the University of Minnesota, in the matter of employment and maintenance of county agricultural agents. ('13 c. 376 § 5)

**3048. Co-operative associations among farmers—Statistics—Duty of regents—**That in addition to the duties now imposed by law upon the board of regents of the state university, none of which shall be affected or abridged by anything herein contained, it is hereby made the duty of said board of regents of the state university to create in the department of agriculture under the supervision of said board a department to collect statistics and information in reference to co-operative associations among farmers and the management and methods of conducting such associations. Such information shall cover all matters relating to co-operative associations among farmers and relate to all subject matter proper or usual for co-operative action among farmers. ('13 c. 386. § 1)

**3049. Same—Dissemination of information—Duty of associations—**It shall be the duty of said board through and by means of the employes of said board hereinafter provided for to disseminate such information among farmers desiring to form and operate such co-operative associations upon application therefor by any such co-operative association or any number of farmers desiring to form such a co-operative association such information shall not only cover the methods of organizing such co-operative association but also information as to the law governing and regulating such co-operative association and such information as to the conduct and management of the business thereof as shall be necessary or essential for the proper management and conduct of such business. And it is hereby made the duty of all co-operative associations to report annually to said department on blanks provided for that purpose. ('13 c. 386 § 2)

**3050. Same—Employés, etc.—**That for the purpose of carrying into effect the provisions of this act the said board of regents are hereby authorized and empowered to employ a suitable and competent person as the head of said department and an assistant therefore and also a stenographer and provide suitable and proper offices for such persons at such place as the board of

regents shall determine, who shall receive such reasonable salary as the board of regents shall determine. ('13 c. 386 § 3)

**3051. Department of pedagogy**—That it shall be the duty of the board of regents to organize and establish in the University of Minnesota as soon as practicable a teachers' college, or department of pedagogy, for the purpose of affording proper professional training for those persons who intend to become public and high school instructors, principals and superintendents of schools. ('05 c. 120 § 1)

**3052. Elliott memorial hospital**—That the action of said university and its board of regents in accepting said donation of one hundred and thirteen thousand dollars for said Elliott memorial hospital building is hereby approved, ratified and confirmed and the said donation is hereby accepted in behalf of the state of Minnesota. ('07 c. 80 § 1)

The preamble of said act recites the donation.

**3053. Same—University clinical hospital—Site, how acquired**—That the said donation of the sum of fifty thousand dollars, and any further sum or sums which may be donated for the purpose of acquiring a site for a university clinical hospital is hereby accepted by the state, and the board of regents of the university is hereby authorized to acquire such a site by purchase or condemnation near the campus of the state university in the city of Minneapolis, as it may deem most suitable for the purpose and to erect thereon such Elliott memorial hospital building and other buildings of like character. ('07 c. 80 § 2)

**3054. Same—Free treatment—Hospital, how managed**—That said Elliott memorial hospital building shall belong to and be forever a part of the University of Minnesota. It shall receive for free care and treatment indigent persons suffering from disease who have resided in the state of Minnesota for not less than six months. The said hospital building shall be managed and controlled by the board of regents of the state university, who shall adopt such rules and regulations as it may deem proper and necessary for the admission, discharge, government, care and treatment of such sick poor by the members of the staff of the department of medicine of the said university. ('07 c. 80 § 3)

**3055. Library—State publications**—The general library of the University of Minnesota is hereby made a depository of all books, pamphlets, documents, maps and other works published by or under the authority of the state of Minnesota. ('05 c. 278 § 1)

**3056. Same—Duty of state officials**—It shall be the duty of the secretary of state, and of all other officials and boards having the custody or distribution of such publications, to deliver to the said library one copy of each so soon as ready for distribution; and thereafter whenever different works are bound up together, one copy of each bound volume; provided, that the said library shall be entitled to receive 5 copies of the Legislative Manual. The said officers may in their discretion issue to the said library additional copies as requested by the librarian. ('05 c. 278 § 2)

**3057. Free education for soldiers of Spanish-American war**—That any person who, being at the time a resident of the state of Minnesota, enlisted in the army or navy of the United States during the late war between the United States for the war against the kingdom of Spain, and who was honorably discharged therefrom, shall, upon complying with all other requirements for admission, be entitled to pursue any course, or courses in the University of Minnesota without expense for tuition. ('07 c. 158 § 1)

**3058. Same—Duty of regents**—It is hereby made the duty of the board of regents of the University of Minnesota to accept in any college, school or department thereof, any student who comes within the definition of section 1 [3057] of this act, without any charge to said student for tuition, and to refund to any student who may come under the provisions of this act, any money which he has paid in as tuition since his discharge. ('07 c. 158 § 2)

**3059. Transportation between university campus and farm**—The board of regents of the state university is hereby authorized to provide adequate

means for safe, convenient and rapid transportation of persons, supplies and materials between the university farm and the university campus and the transportation of persons from intermediate points to either the university campus or the university farm and from the university campus or university farm to intermediate points and for the transportation of supplies and materials to and from the university farm by means of a connection with the belt line railway operated by the Minnesota Transfer Railway Company; and to that end the said board of regents is hereby authorized to acquire by gift, purchase, condemnation or otherwise, such rights of way as may be deemed necessary, and to construct, maintain and operate lines of railway thereon and to make such contract or contracts with any railway company or companies for trackage rights, track connections and motive power or for the hiring of rolling stock or for the operation of the same as may be found necessary or expedient in carrying out the provisions and intent of this act. The board of regents shall prescribe the rate of fares which shall be charged for the transportation of persons, which fares when collected shall be kept in a separate fund and be used to defray the expense of maintaining and operating such railway. ('13 c. 257 § 1)

#### MANAGEMENT OF STATE UNIVERSITY AND NORMAL SCHOOLS

**3060. Board of control divested of authority—How managed—**Upon and after August first, nineteen hundred five, the board of control of this state shall be and is hereby divested of all authority, jurisdiction and control over the state university and the state normal schools of the state of Minnesota, except as hereinafter stated. The state university on and after said date shall be under the management, jurisdiction and control of the board of regents of the state university, and the state normal schools on and after said date, shall be under the management, jurisdiction and control of the state normal school board; and the said board of regents and said normal school board shall, on and after said date, have and possess all of the powers, jurisdiction and authority, and shall perform, subject to the restrictions herein contained, all of the duties by them possessed and performed on and prior to April first, nineteen hundred one, except as hereinafter stated. ('05 c. 119 § 1)

Section 8 repeals inconsistent acts, etc.  
See § 4005, and note thereunder.

**3061. University—Purchasing agent—Duties and compensation—Estimates—Disbursements—Bond—**Upon the date of assumption by the board of regents of the said management and control of the said university, the president of the said board of regents by and with the consent and approval of the members of said board, shall appoint a purchasing agent, whose duties shall be as herein provided for, and whose compensation shall be fixed by the said board of regents and paid out of the funds provided for the maintenance of said university. The said purchasing agent shall attend to the purchasing of all necessary supplies for the several departments of the state university. Previous to the termination of each quarterly period of the year the dean or other executive head of each of the several departments of the state university shall prepare estimates in detail of all the supplies required for such department for the ensuing quarterly period. Prior to the opening of such quarterly period such estimate shall be submitted by the said dean or other executive head of each of said departments to the executive committee of said board of regents, which estimate so submitted shall be carefully examined and, if necessary, revised by said executive committee. Upon the approval of such estimate by such executive committee the same shall be prepared in triplicate, and one of said estimates shall be retained by the said board of regents, and one thereof shall be delivered to and filed with said purchasing agent, and one thereof shall be delivered and filed with the state auditor of this state. Such estimates, bearing such approval, shall govern and control said purchasing agent in the purchasing of supplies for the several departments of the state university. No disbursements for such purposes shall be made except on the warrant or requisition of said purchasing agent. The said purchasing agent shall give bond in such sum as said board of re-

gents shall require for the faithful and diligent performance of his duties. ('05 c. 119 § 2)

**3062. Normal schools—Purchasing agent—Duties and compensation—Estimates—Disbursements—Bond—**Upon the assumption by said state normal school board of the jurisdiction, management and control of the normal schools of this state, said board shall elect from its own members a purchasing agent, whose duties shall be as hereinafter stated, and whose compensation shall be fixed by said board and paid out of funds provided for the maintenance of said normal schools, a pro rata sum being paid by each school. He shall superintend the making of all purchases for said schools. Prior to the termination of each quarterly period the executive head of each school shall prepare and submit to him a detailed statement of the needs of said institution, including an estimate of the necessary supplies and expenditures for the quarterly period next succeeding. Said statement and estimate shall be submitted by him to said normal school board for revision and correction. When approved by said board it shall be prepared in triplicate by such purchasing agent, and one copy thereof shall be retained by said board for the use of such agent, one shall be delivered to the executive head of each normal school and one shall be filed with the state auditor. Such estimates shall govern and control the purchasing of supplies for the respective schools, and the money necessary to be disbursed therefor shall be paid out upon the warrant of said agent as hereinafter stated. Said agent shall at the commencement of each quarterly period set apart for the use of each school as a contingent fund, a sum not exceeding one hundred dollars. In addition thereto the supervision of the purchasing of all necessary supplies for said school, it shall be the duty of such purchasing agent to visit each of said schools at least once during each quarterly period, at which time the estimates for the succeeding quarter as herein provided, and a statement of the needs of said institution shall be submitted to him by the executive head thereof. He shall from time to time make reports to said normal school board of the business affairs of said schools, with such recommendations as he may deem proper. All salaries for resident directors heretofore paid or provided for are hereby discontinued. ('05 c. 119 § 3)

**3063. Monthly statements—Payrolls—Duties of state auditor and treasurer—**Each purchasing agent shall at the close of each month prepare in triplicate statements showing all purchases made by him during said month for the several institutions, the names and addresses of persons from whom said purchases were made and the several prices paid therefor. He shall accompany the same with an affidavit that the statement is correct, that the articles therein specified were duly authorized by the proper board upon prepared statements and estimates, were received under his direction at the institution named therein, that the several prices paid therefor were reasonable, that said goods were of proper and stipulated quality and grade, and that neither he nor any person in his behalf has any pecuniary or other interest in said purchases, or has received or will receive in any way any pecuniary or other benefit therefrom. He shall also each month prepare in triplicate and cause to be receipted by the signatures of the several parties named therein, payrolls showing the monthly salaries and compensation of all officers, teachers and employes in said several institutions, and shall file one copy of said statement and said payroll with the president of the board of regents or president of the normal school board, as the case may be, and two copies with the state auditor. The auditor upon receiving the same shall draw his warrant upon the state treasurer for the amount called for in each expense list and payroll, and transmit the same to the treasurer, attaching thereto a copy of said expense list and payroll. Upon receipt of the same the treasurer shall send his checks to the several persons named therein for the amount of their respective claims. ('05 c. 119 § 4)

**3064. Expenses of boards, how authorized and paid—**No member of the board of regents or of the normal school board, and no person in the employ of either board shall be paid for any expense incurred, unless it shall appear that said expense was duly authorized by the executive committee or the

president of the board, and an itemized, verified account of the same, accompanied by sub-vouchers, where said sub-vouchers are practicable, is furnished by the claimant, and filed with the state auditor for his written audit. Such verification shall state that said expense bill is just and correct and for money actually and necessarily paid or to be paid for the purposes therein stated. If said expense is to be incurred in visiting another state, then, before said visit is authorized or undertaken, the said executive committee or president must certify, in writing, the purpose of said visit, the necessity existing for the same, and the maximum expense to be incurred therefor, which certificate must be presented to the governor of the state for his approval. If he does not approve the same, the said visit shall not be undertaken. If the above provisions are complied with, the auditor shall pay such expense account in the same manner as monthly expenses and salaries are paid under the provisions of this act. ('05 c. 119 § 5)

**3065. Exceeding appropriations—Penalty—**It shall be unlawful for the board of regents or the normal school board to permit any expenditures for any purpose in excess of the amount appropriated or contemplated by law, and any member or agent of either of said boards violating this provision, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars or more than one thousand dollars, or be imprisoned in the county jail for not less than six months, or by both fine and imprisonment. ('05 c. 119 § 6)

**3066. Authority of board of control—New buildings—Contracts, how let**—That section 7 of chapter 119, General Laws of Minnesota for 1905, as amended by chapter 36 of the General Laws of Minnesota for 1911 [3066], be and the same is hereby amended so as to read as follows: [sic] Provided that in the building and constructing of any and all state buildings, preference shall be given where practicable to materials produced in the state of Minnesota by citizens and residents of said state.

"Section 7. The board of control shall have and exercise full authority in all financial matters of the several institutions named in this act, so far only as relates to the erection and construction of new buildings, the purchasing of fuel, and the placing of insurance on buildings and contents. When new buildings are to be erected and constructed by authority of the state, it shall be the duty of the board of control to cause to be prepared plans and specifications for the same, but in so doing it shall consult with the local board in respect to said plans and specifications, and shall adopt and carry out so far as it deems practical, their request and desires in the matter. Provided that said state board of control may in its discretion authorize the controlling board of any institution, for which any building is authorized to be constructed, to construct such building in case the cost thereof does not exceed the sum of five thousand (\$5,000.00) dollars. If such authorization be granted said state board of control shall file its written consent thereto with the state auditor, and thereupon such building may be constructed under the direction of such controlling board.

"The board shall not let any contract for the erection and construction of new buildings that may hereafter be constructed without first publicly advertising for at least two weeks in some legal newspaper published in the county, where the work is to be performed, for separate sealed bids for general construction, plumbing, heating, ventilating work required in the construction of such buildings, and for separate sealed bids covering the entire work required in such construction in which advertisement, the time and place shall be fixed for the opening of such bid, and that all such bids, shall be opened publicly, and a record of the same, giving the name of the bidder, the classification of the work or material bid upon, and the amount of the bid, shall be made and filed with the secretary of said board as a public record, and that no such contract shall be made and entered into except with competent and responsible contractors and builders who can furnish a good and sufficient bond as required by law." ('05 c. 119 § 7, amended '11 c. 36; '13 c. 561 § 1)